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DECEMBER MEETING, 1902.

THE stated meeting was held on Thursday, the 11th instant, at three o'clock, P. M. ; the President in the chair.

The record of the November meeting was read and approved. The Corresponding Secretary read a letter from Mr. Arthur B. Ellis, announcing his removal from the State. The Librarian and the Cabinet-Keeper made their reports. Among the gifts to the Society during the last month were a framed testimonial to Charles Sumner, after the delivery of his speech on "Free Kansas," bearing the autograph signatures of twenty eminent citizens of Massachusetts, given by the Museum of Fine Arts ; a large collection of books and manuscripts which belonged to the late Thomas C. Amory, a Resident Member ; six bound volumes of the "New York Tribune," from March, 1850, to December, 1855, from Mrs. James T. Fisher ; and a marble bust of Edward Everett, by Thomas Ball, bequeathed by the late George W. Wales.

The Treasurer made a brief statement with regard to the income of the Massachusetts Historical Trust Fund, and on his motion it was

Voted, That the income of the Massachusetts Historical Trust Fund for the current year be appropriated in such manner as the Council may from time to time authorize.

The death of Mr. Joseph Williamson, of Belfast, Maine, a Corresponding Member, was announced.

Mr. John Carver Palfrey, of Belmont, was elected a Resident Member ; and Mr. Worthington Chauncey Ford, of Washington, D. C., who had ceased to be a citizen and a resident of Massachusetts, was elected a Corresponding Member.

The President announced the gift to the Society by Mr. James Schouler, with the consent of the other heirs, of a large and important collection of letters and papers of his father, the late Hon. William Schouler, Adjutant-General of Massachusetts during the Civil War. They comprise, among other

materials of history, letters, chiefly political, from men eminent in the State and national service, with General Schouler's comments on them.

HON. SIMEON E. BALDWIN, of New Haven, Connecticut, a Corresponding Member, read a very interesting abstract of the paper which here follows:—

Rev. John Higginson, of Salem.

Two hundred years ago the first edition was published of Cotton Mather's "*Magnalia Christi Americana*." It told the story of seventy-eight years of the ecclesiastical history of New England, and he was fortunate in being able to secure a general attestation of its truth in a preface written for it by one who had lived here during all but the first ten years of that period, and who for sixty years had been a New England minister. This was the Rev. John Higginson, of Salem, the son and successor in the pulpit of the Rev. Francis Higginson.

A brief sketch of his life is contained in Sprague's "*Annals of the American Pulpit*" (i. 91), and he is noticed not only in the American biographical dictionaries, but as an Englishman in Sir Leslie Stephen's "*Dictionary of National Biography*." His services, however, to early Connecticut and Massachusetts seem to justify a fuller memorial, and there are ample though widely scattered materials for it.

He was born on August 6, 1616, in Claybrooke, a country parish in the county of Leicester, in England, of which his grandfather, Rev. John Higginson, after whom he was named, had been the vicar since 1572. His father, Rev. Francis Higginson, a graduate of Cambridge University, where he had been of Jesus College,¹ was then a man of thirty.² He had been instituted Rector of Barton-in-Fabis, in Nottinghamshire, the year previous, though never inducted into that benefice.³ There was a tradition, supported by some circumstantial evidence, that the maiden name of his wife, Mrs. Ann Higginson, was Eaton, and that she was a sister of Governor Theophilus Eaton of the Colony of New Haven.⁴ It is prob-

¹ T. W. Higginson, *Life of Francis Higginson*, 6.

² He was baptized August 6, 1586. N. E. Hist. and Gen. Reg., xlv. 118.

³ N. E. Hist. and Gen. Reg., lii. 348.

⁴ Bacon, *Genesis of the New England Churches*, 459.

able that they were cousins. Governor Eaton had a sister Hannah, or, as that name was sometimes written, Ann, but in the will of his father, Rev. Richard Eaton, dated in July, 1616 (which was the month before John Higginson's birth), she is described as unmarried. Dr. Franklin Bowditch Dexter has traced her later history through the parish records of London, and shown that she did not marry until 1622, when she became the wife of Joseph Denman.¹

A few months after John Higginson's birth his father was put in charge of a small parish in the borough of Leicester, that of St. Nicholas,² and that place remained his residence until his emigration to New England in 1629. The church of St. Nicholas is the oldest in the city, and was then larger than at present. It is of Norman architecture, with a square tower between the nave and the chancel, and was originally built with three aisles. One of them became ruinous and was taken down in 1697.³

Leicester possessed a grammar school founded by Queen Elizabeth, and here John Higginson received the beginnings of a sound classical education. When thirteen, an age at which a bright boy was then sometimes admitted to the English universities, he was taken by his father, with the rest of the family, to New England, where they were to settle in the plantation at Naumkeag (or Salem), begun the year before under John Endicott.

In the first letter of instructions to Governor Endicott from the Massachusetts Bay Company, written (April 17, 1629) shortly before they set out upon their voyage, it is said that the company has made "plentiful provision of godly ministers," three of whom have been appointed on the Council, one of them being "Mr. Higginson, a grave Man & of worthy Comendacons," and that it has also engaged, for the medical and surgical service of the colonists, "Lambert Wilson, Chirurjion," adding: "moreover hee is to educate & instruct in his Art one or more Youths such as you and the said Council shall appoint, that may bee helpfull to him and, if occasion serve, succeed him in the Plantacon w^{ch} youth or youths fitt

¹ Papers of the New Haven Colony Historical Society, vii., Biographical Sketch of Theophilus Eaton.

² N. E. Hist. and Gen. Reg., lii. 348.

³ Bibliotheca Topogr. Britannica, vii. 603; viii. 787.

to learne that prfession lett bee placed wth him; of w^{ch} Mr. Hugesson's Sonne, if his father approue thereof, may bee one, the rather because hee hath bin trayned up in litterature, but if not hee, then such other as you shall judg most fittest, &c." ¹

As in the course of this letter Francis Higginson's name is spelled once as Higgonson, and as there was no Hugesson, so far as appears, connected with the plantation, this reference must be to John Higginson, and serves to show the good progress he had made at school.

Francis Higginson was a Puritan but not an Independent. He looked upon the Church of England as still his church, though for the time she had silenced him and come under evil counsels. When their ship "came to the Land's End," writes Mather in his "Magnalia," "Mr. Higginson calling up his children and other passengers unto the stern of the ship to take their last sight of England, he said *We will not say as the Separatists were wont to say, at their leaving of England, Farewel Babylon! farewel, Rome! but we will say, farewel dear England! farewel the Church of God in England, and all the Christian friends there! We do not go to New-England as separatists from the Church of England; though we cannot but separate from the corruptions in it: but we go to practice the positive part of church affirmation and propagate the gospel in America.* And so he concluded with a fervent prayer for the King, and church and State in *England*; and for the presence and blessing of God with themselves, in their present undertaking for New-England." ²

Dr. Palfrey ³ is inclined to discredit this part of Mather's narrative; but the allusion to Higginson's calling his children about him to hear his farewell could hardly have been made, except on the authority of that one of them who still survived, and to whom this passage, of all others, must have been submitted for approval.

The prayer for Charles I. and the established church with which his father began the voyage must have made a deep impression on young John. After nearly seventy years in New England, he wrote in much the same spirit in his

¹ Transactions of American Antiquarian Society, iii. 93.

² Magnalia, ed. of 1820, i. 328.

³ Hist. of New England, i. 297, note.

Preface to the "Magnalia," in enumerating the ways in which that book might be serviceable, that one was this:—

"That the little daughter of *New-England* in *America*, may bow down herself to her mother *England*, in *Europe*, presenting this *memorial* unto her; assuring her, that though by some of her *angry brethren*, she was forced to make a *local secession*, yet not a *separation*, but hath always retained a dutiful respect to the *Church of God* in *England*; and giving some account to her, how graciously the Lord has dealt with herself in a *remote wilderness*, and what she has been doing all this while; giving her thanks for all the *supplies* she has received from her; and because she is yet in her *minority*, she craves her farther *blessing* and *favour* as the case may require; being glad if what is now presented to her, may be of any use, to help forward the *union* and *agreement* of her *brethren*, which would be some satisfaction to her for her undesired local distance from her dear *England*; and finally promising all that reverence and obedience which is due to her good *mother*, by virtue of the *fifth* commandment."¹

This Preface contains another observation, evincing the same spirit. The fact that ten of the Mather family had already been ministers in New England is mentioned; and it is accounted for as "a reward of *grace*, with respect unto the *faithfulness* they have expressed, in asserting, clearing, maintaining, and putting on for the practice of that great principle, of the *propagation of Religion* in these Churches, viz. *The Covenant-state and Church-membership of the Children born in these Churches*, together with the *Scripture-duties* appertaining thereunto, and that by vertue of God's *Covenant of Grace*, established by God with his people, and their seed with them, and after them in their generations."²

True to this principle, the Salem church, over which Francis Higginson was the first "teacher," recognized the baptized children of its members as *ipso facto* members themselves of the universal church. John Higginson was admitted on this footing to its fellowship when a lad of thirteen, after showing to the pastor, Mr. Skelton, that he was sufficiently acquainted with "the principles of religion," and giving public assent to the church covenant.³ It was the first accession to the church after its formation.⁴ His baptism, which was thus accepted

¹ *Magnalia*, ed. of 1820, i. 11.

² *Ibid.*, 12.

³ Morton, *New England's Memorial*, ed. 1826, 148; Mather, *Magnalia*, i. 67.

⁴ Mass. Hist. Soc. Coll., 3d series, vii. 222.

as the proof or "seal" of his right to recognition as a member of the holy catholic church, was, of course, his baptism in the Church of England. In fact, the proceeding was a virtual conformity to the practice of that church as to the confirmation of baptized children on reaching the age of discretion, without looking for formal proof of what the prevailing New England theology was soon to insist on, in the case of all, by the names of conversion and regeneration.

The covenant to which John Higginson gave his assent had been recently framed by his father. It probably consisted of but these few words: ¹—

"We Covenant with the Lord and one with an other; and do bynd our selves in the presence of God, to walke together in all his waies, according as he is pleased to reveale himself unto us in his Blessed word of truth."

No public assent to a formal doctrinal statement was at this period asked of any who might ask admission either to the communion or to church membership in New England. The elders examined those of the latter class in private, however, and this examination generally extended to their religious beliefs.²

Francis Higginson had been for several years in infirm health,³ and had been careful, before agreeing to join the Massachusetts settlers, to provide for the contingency of his death in the new Colony. In his contract with the Massachusetts Bay Company, dated in the month following the grant of its patent, it is especially provided that in that event the Company should "take care for his widdow during her widdowhood and aboade in that country and plantation; and the like for his children whilst they remain upon the said plantation."⁴ He died on the day when John became fourteen years old. But meanwhile the Company had been growing into something new. It had transferred its seat of government to Massachusetts, and Governor Winthrop and his fleet had arrived at Salem in June, 1630, in time to hear Mr.

¹ Walker, *Creeds and Platforms of Congregationalism*, 95, 106, 116. I accept his verdict as between Judge White and Dr. Worcester.

² Walker, *op. cit.*, 106.

³ Life, by T. W. Higginson, 67.

⁴ *Ibid.*, 35.

Higginson's last sermon, which he had prepared for them on the text, "What went ye out into the wilderness to see?"¹

The first General Court was not held until October, and it was probably thought not best to begin the political history of the infant Colony with the institution of a pension list. The care of the Higginson children was therefore taken up by a few of the principal settlers, and they were handsomely provided for as long as they stood in need of assistance;² as well, says Cotton Mather, "as if Thousands of Pounds had been left unto them."³ Increase Nowell, of Charlestown, was one of these, and Mrs. Higginson soon removed to that place; remaining there until a settlement was made at New Haven, when she transferred her family to that jurisdiction. With her personally it would appear, from a letter of hers to Governor Winthrop dated January 26, 1630, that the Bay Company made a definite settlement by making over to her the house which it had provided for her husband, two cows, and a sum of money. The letter was endorsed by him as "her acceptance of compensation," which must refer to the obligation of the company under its contract with Mr. Higginson. Two offers of compensation were apparently made in the alternative, one of which she accepted. This letter is headed in a style then sometimes followed, "Emanuel" (God with us). The house was sold by her order and for her benefit in 1635, while she was living in Charlestown.⁴

The education of John Higginson was looked after by Governor Winthrop, Increase Nowell, and Richard Dummer, together with John Wilson, the first pastor of the Boston church, and, after their arrival in this country, in 1633, John Cotton and his associate in the pulpit, Thomas Hooker, first of Newtown and then of Hartford. "Some of them," he says in an autobiographical fragment written when he was a man of seventy,⁵ "were at a considerable charge for my future education in learning (long before there was any Colledg) in the

¹ Mather, *Magnalia*, i. 329.

² Prefatory dedication in John Higginson's "Our Dying Saviour's Legacy of Peace."

³ Funeral sermon on John Higginson, p. 30.

⁴ Charles W. Upham, *Principles of Congregationalism: The Second Century Lecture of the First Church, 1829*, Appendix C, p. 67; *Proc. Mass. Hist. Soc.*, 2d series, vi. 424; *Felt, Hist. of Salem*, i. 24; *Mass. Hist. Soc. Coll.*, 1st series, vi. 263; *Essex Inst. Coll.*, viii. 252; ix. 21.

⁵ In the prefatory dedication of "Our Dying Saviour's Legacy of Peace."

best manner that could be then attained in the day of small things here." Among other things he was taught something of the French and Indian languages.

On May 25, 1636, when only nineteen years old, he was admitted as a freeman of the Colony.¹ At this time the General Court admitted as freemen whom they would, provided only they were members of one of the churches in the Colony. As on the same day,² in response to a general popular demand, they appointed a committee to prepare a code of laws "which may be the Fundamentals of this Commonwealth," it is probable that they desired, before any further restrictive regulations might be adopted, to bring into the electoral body all persons of education and position, without much regard to their having attained full age.

In the summer of this year his knowledge of the Indian languages helped to put him on a mission of some importance. John Oldham, of Watertown, was killed in an encounter with savages near Block Island in July. On August 8th the General Court of Massachusetts sent off Lieutenant Edward Gibbons and John Higginson, with Cutshamikin, a sagamore of Massachusetts, to treat with Canonieus, the chief of the Narragansetts, in regard to this murder.³ Johnson, in his "Wonder Working Providence,"⁴ speaks thus of this incident: "Fit and able men being chosen by the English they hast them to Cannoncus' Court which was about fourescore miles from Boston." Gibbons, who a few years later was sent against the Narragansetts at the head of a little army raised from all the Colonies, well deserved this description. That it was given to young Higginson by so intelligent an observer as Johnson is strong proof that he also was selected for more than an interpreter. For that office Cutshamikin was probably the better equipped.⁵ They were off for five days on this embassy, and the records of the General Court show that on their return "John Higginson had given him 2^l for his paines, & danger undergone."⁶ In the "Wonder Working

¹ Records of Mass., i. 372. According to the English practice, a minor could take the oath of allegiance (Britton, i. 19 b, 152), but could not vote for a member of Parliament. Wood's Institutes, book i. chap. i. p. 450.

² Mass. Hist. Soc. Coll., 3d series, viii. 204.

³ Winthrop Hist. of N. E., i. 192.

⁴ P. 109.

⁵ Winthrop Hist. of N. E., i. 195.

⁶ Rec. of Mass., i. 181.

Providence" there is a spirited and graphic account of what they saw,—so spirited and graphic as to have given rise to the opinion that Johnson must have accompanied the party. Of this there is no other evidence, and if such a man of middle age and prominent position had gone with them, Winthrop would hardly have omitted to mention the fact in his record of the expedition, which is of some length. It would seem to me more probable that Johnson got his facts from Higginson, who was a close observer and gifted with good powers of description.

In June of this year Thomas Hooker and his company had gone through the wilderness to the Connecticut River and founded the town of Hartford. Hooker had been an early acquaintance of Francis Higginson, and had done much to bring him into the ranks of the nonconformists.¹ "It was no rare thing for him," says Mather, to give sometimes five pounds, sometimes ten pounds at a time, towards the support of widows and orphans, especially those of deceased ministers.² To such a man the family left with but a slender provision by the early death of Francis Higginson must have appealed most strongly, on his arrival in the Colony three years afterwards.

Mather observes, in his "*Magnalia*,"³ that, as in the early days of Christianity, when there was nothing, except perhaps in Alexandria, in the nature of a school of divinity, the bishop of every church took care to educate and elevate some young men for future service in the ministry, so, before the establishment of Harvard College, it was with the pastors of New England. John Higginson and his life-long friend Thomas Thacher, each coming to Massachusetts at about the same age, with simply a good grammar-school education, were among the earliest to profit by this practice. It is probable that the theological education of John Higginson was partly received from Hooker, while both were citizens of the Bay Colony, and it was certainly continued under him after his removal to Hartford to become pastor of the church at that place.

Shortly before that time Lion Gardiner had begun his fortifications at Saybrook. John Winthrop, Jr., took up his residence there, for a year, as Governor of the post,⁴ and was

¹ *Magnalia*, i. 323.

² *Ibid.*, 313.

³ i. 442, ed. of 1820.

⁴ Felt, *Eccl. Hist. of New England*, i. 299.

probably induced by his father to engage John Higginson to act as chaplain to the new settlement. In the autobiographical fragment to which reference has been made, after speaking of those who took charge of him upon his father's death, "that I might be continued in my Learning and bred up into the Ministry," Mr. Higginson continues: "I was in the year 1636 sent and employed by them in the work of the Ministry (in the time of the Pequot War) at Say-Brook Fort, where I continued above four years."

The first expedition from Massachusetts against the Pequots was sent out on August 25, 1636. Salem contributed her quota of men, and young Higginson accompanied them as chaplain.¹ Before proceeding to attack the Pequots at New London, they visited the fort at Saybrook. Though their coming was unexpected,² they obtained a reinforcement there, early in September, of twenty men, and when this detachment returned to the fort, a few days later, it is probable that Higginson accompanied them, to remain there in his new office.³ Certainly he was in the fort during the following winter and spring. The Pequots had now assumed the offensive, and began to boast that they could kill Englishmen as easily as mosquitoes. They got the better of the settlers at the mouth of the river in several petty skirmishes. During one of these two of the garrison deserted their commander and ran back to the fort. Gardiner thought their cowardice demanded the severest punishment, and though he then had but twenty soldiers under his command and they were really in a state of siege, determined to have the two men draw lots as to which of them should be hanged; "but," he wrote in his account of the Pequot Wars, "at the intercession of old Mr. Michell, Mr. Higginson, and Mr. Pell I did forbear."⁴ Gardiner's narrative shows that at this time Mr. Higginson was considered one of his command, and was used at times as an interpreter.⁵

In the spring of 1637 Mr. Higginson sent a letter to the elder Governor Winthrop, urging another expedition from

¹ Felt, *Hist. of Salem*, ii. 502.

² *Mass. Hist. Soc. Coll.*, 3d series, iii. 140.

³ Felt, in his "Ecclesiastical History of New England," i. 253, says (citing no authority) that Higginson began to preach at Saybrook in April, 1636. This seems improbable, as he was admitted a freeman in Massachusetts in May, 1636.

⁴ *Mass. Hist. Soc. Coll.*, 3d series, iii. 144.

⁵ *Ibid.*, 148, 150.

Massachusetts against the Pequots, and saying that projects of increasing trade, setting up a college, or anything else should be put aside until this danger which threatened to overwhelm all New England was met and vanquished. It is written with an ardor of feeling that might not unnaturally be expected from one of a handful of men beleaguered by savages, but also with a force and spirit that made it particularly effective. The following passage has something of the Miltonian in its diction:—

“If the passages here be well considered & the Lord be pleas'd to sanctifie our punishments, to be warnings to the wise, I hope it may be a means to roote out that deeply rooted securitie, & confidence in our owne supposed strength (2 English diseases, & dangerous wormes that vse to breed & grow in abused peace or slighted liberties), that so the loss of these, & danger of our selues may be the safetie & preservation of many others.”¹

Massachusetts soon afterwards sent out another party of troops to aid the Connecticut settlers (in June, 1637), of which his patron, Mr. Wilson, was the chaplain. To this Mr. Higginson also joined himself,² and probably returned to the Bay with it; for towards the end of August we find him again in Massachusetts.

Among other evidences of his careful education was a knowledge of short-hand,—an art almost more important then than now, owing to the scarcity of writing paper. This secured him an appointment as the scribe of the Cambridge synod of that year, of which Thomas Hooker was one of the moderators. It was the first general ecclesiastical council held in New England, and was called by the General Court of Massachusetts to consider the Antinomian positions especially advocated by Mrs. Anne Hutchinson, and, in a way, the general question of women's rights.³

It was arranged, among those who had the direction of the

¹ Mass. Hist. Soc. Coll., 4th series, viii. 394.

² Felt, Hist. of Salem, ii. 503; Letter of Rev. T. Cobbett in 1677, N. E. Hist. and Gen. Reg. vii. 212.

³ Walker, Creeds and Platforms of Congregationalism, 133. Hubbard, in his “General History of New England,” chap. xv., gives quite a full account of the doings of the synod, and its results were printed at some length in 1644, at London, in the “Short Story of the rise, reign, and ruine of the Antinomians, Fami-ists & Libertines, that infested the Churches of New England,” prepared by Governor Winthrop, and prefaced by Rev. Thomas Wilde.

business, that young Higginson should prepare a report of the doings of the synod for publication and sale, and he was encouraged to think that it would bring him £100.

The synod closed its sessions towards the end of September, 1637, and he then went to Hartford, taking his stenographic notes with him. A few weeks later we have this glimpse of him in a letter from Mr. Hooker to Governor Winthrop: "M^r Higginson, who was the scribe in Assembly, hath employed his tyme, since his coming, to transcribe such things w^{ch} were of use, but because the things were many & his tyme short, our friends returning so speedily, he could not accomplish much, but hath taken his papers wth him downe to the mouth of y^e river, whither his occasions call him for the p^{re}sent and from whence he will send you such p^{ar}ticulars as he shall shortly write out & y^t by the soonest conveyance." ¹

It was not till May, 1639, that the result of his labors was presented to the General Court for its approval. It was accepted as correct, but question was now made by some of the ministers whether it was wise to give it to the public. The dispute had grown old. Mrs. Hutchinson had been banished. The time of the synod had been largely taken up in debates in which her adherents had been invited to participate. They had stated their positions in the afternoon of each day, and on the morning of the next the members of the synod had attempted to confute them. The short-hand report probably recorded the whole proceedings. Mrs. Hutchinson was a better talker than some of her clerical critics. John Cotton's position had been a subject of attack.² Such a publication might stir up more differences than it would heal. Mr. Higginson, consequently, though offered £50 for the manuscript, declined to let it go out of his hands, and in 1641 returned it again to the General Court. The final decision was that it should not be printed.

Two years later, in a memorial dated at Guilford, August 9, 1643, he asked the General Court, after reciting these circumstances, for compensation for his work, suggesting a willingness to accept the sum that publishers had offered him.³ The only result was a vote (October 17, 1643) authorizing him to

¹ Proc. Mass. Hist. Soc., 2d series, vi. 425.

² See Dr. Ellis's *Life of Anne Hutchinson*, Sparks's *Am. Biography*, xvi. 257.

³ N. E. Hist. and Gen. Reg., xiii. 26.

publish it for his own benefit;¹ but after his return to Massachusetts, in 1661, a new memorial met with better success, and (May 22, 1661) a grant was made by way of payment for his youthful services of 700 acres "of land in some free place & not prejudicial to a plantation," and a committee was appointed which laid it out in 1663.²

In 1639 we find him enrolled as one (and the last in the list) of the proprietors of the common and undivided lands in Hartford, and that he had also had a particular allotment of twelve acres,³ representing an investment of £10.⁴ If at this time he had been a recognized minister, we should expect to find his name entered in the town records with the prefix of Mr. It is not; but a few months later in the same year does so appear on the records of the Colony of New Haven.⁵

The records of the church at Saybrook in the seventeenth century are lost; but none was organized till 1646.⁶ It may safely be presumed, therefore, that he was never formally ordained while at that place. His was a civil or, it might be said, a military appointment. No Congregational minister in those days was ordained except for the service of a particular church, nor unless elected to office by that church.⁷ The Saybrook plantation was probably regarded ecclesiastically as a dependency of the church at Hartford; for in 1640 or 1641 Mrs. Fenwick — or, as the colonists loved to call her, Lady Fenwick — became a member of that, and her child was baptized in it.⁸

The Connecticut colony, it will be recollected, was anxious from the first to have the Saybrook settlement join itself to the other river towns, and in September, 1639, the General Court went so far as to nominate George Fenwick as one of the magistrates for the ensuing year, provided he should be a freeman by election time.⁹

¹ Felt, *Eccles. Hist. of New Eng.*, i. 521; *Mass. Col. Rec.*, ii. 52.

² *Mass. Col. Rec.*, iv. 15, 90.

³ *Conn. Hist. Soc. Coll.*, vi. 19, 23.

⁴ *Hartford MSS.*, *Town Land Records*, viii. 33, 38; "Distributions," 545.

⁵ *N. H. Col. Rec.*, i. 29.

⁶ Trumbull, *Hist. of Conn.*, i. 299, 502, note. Cf. *Mass. Hist. Soc. Proc.*, 2d series, iii. 49.

⁷ *Cambridge Platform of 1648*, chap. viii. 6, 9; chap. ix. 1, 2, 6.

⁸ *Lechford's Plain Dealing*, 98; Walker, *Hist. of First Church of Hartford*, 108.

⁹ *Col. Rec. of Conn.*, i. 36. Apparently he did not become a freeman for several years, for he was not elected a magistrate in 1640 and there is no renomina-

On March 25, 1697, Mr. Higginson spoke of himself as having been sixty years in the ministry of the gospel,¹ which would place his recognized introduction to it in 1637. Thomas Lechford, writing in 1641, soon after his return to England from Massachusetts, in speaking of the Fenwick settlement as it was when he was in New England, says that there was "at the rivers mouthes a faire house and well fortified and one Master Higginson, a young man, there Chaplain."² Hutchinson also speaks of Higginson as being, as late as 1641, "chaplain to Mr. Fenwick & Lady Boteler³ at the Fort at Saybrook."⁴

For a brief time at some period between 1636 and 1643 (probably, I think, in 1642) he was a school teacher in Hartford. No vote as to the employment of a school teacher appears in the town records prior to 1643,⁵ but they show that a school had been established prior to December 6, 1642, probably by the townsmen.⁶

*Cotton Mather, who knew him well, but knew so much and so many that his overloaded memory not unseldom betrayed him, said of him in a commemorative discourse⁷ soon after his death (January 16, 1708-9): "This was our Simeon who was first a Chaplain and Preacher at Say-Brook, then a School-Master at Hartford: And after that, a Minister at Guilford." Henry Wheatland, one of his descendants, a careful antiquarian, and others put his Hartford life first.⁸

It is not impossible that he filled each of these offices at the same time. Hartford and Saybrook were within a few hours' reach of each other by boat,⁹ and school terms must have

tion until January 3, 1643-4. He was elected a magistrate in 1644, and annually re-elected until and including 1648. Col. Rec. of Conn., i. 99, 124, 149, 163. He sat as such at the General Court and also at a Particular Court in October, 1645. *Ibid.*, 132. Probably he did not accept an election until the agreement for the cession of Saybrook to Connecticut had been made, December 5, 1644. *Ibid.*, 266.

¹ Magnalia, i. 10.

² Lechford's Plain Dealing, 98.

³ Another pseudonym for Mrs. Fenwick. Her first husband was Sir John Boteler, Kt.

⁴ Hutchinson, Hist. Mass. Bay, ii. 176, ed. 1768.

⁵ Conn. Hist. Soc. Coll., vi. 65.

⁶ *Ibid.*, ii. 63.

⁷ P. 31.

⁸ Trans. Essex Inst., v. 34; Mass. Hist. Soc. Coll., 4th series, viii. 369, note; Elliot's Dict.; and Allen's Dict.

⁹ See, as to the close relations between Saybrook and Hartford at this period, Johnson's Wonder Working Providence, 187.

been irregular in a frontier settlement, where every child's labor was valuable in the fields during half the year.¹

It seems more likely, however, that his school work followed immediately upon the coming of Rev. Thomas Peters to Saybrook, which was not far from the year 1641. Mr. Peters, who was a brother of Hugh Peters, took the chaplaincy there for several years between 1641 and 1646.² This sequence of events seems more in consonance with Mr. Higginson's autobiographical reference to the Hartford episode, in which, after describing his more than four years at Saybrook, he says that before his settlement at Guilford he was "sometime a School-Master at Hartford, where I enjoyed the publick Ministry and private helpfulness of the Learned and Godly Mr. Hooker and Mr. Stone."

His engagement there, however, may have begun in October, 1637, when he returned with Hooker from the Cambridge synod. The letter of the latter, already quoted, to Governor Winthrop, indicates that while at that time Mr. Higginson was at Saybrook, his stay there was regarded as temporary, and he was looked upon as belonging to Hartford. We find him there again early in the following spring (March, 1638), when he accompanied Governor Hopkins and Mr. Goodwin as an interpreter, "for want of a better," as he modestly writes, upon an expedition to Norwalk to treat with the Indians for a conveyance of the territory between "Quillipoke and Manatoes," that is between what soon afterwards became better known as the New Haven jurisdiction and the Hudson River. This was followed by a cession consummated at Hartford in Mr. Hooker's barn, at which Higginson was also present.³

His mother was one of the early proprietors of lands there, and owned a lot of twenty-six acres on the river bank, adjacent to his own. She had sold out her holdings by January, 1639.⁴ The taxes on his lot for 1639 remained unpaid until January, 1642 (N. S.), when "the tounne at a meeting did aquit him of this debt."⁵ This action seems to imply that

¹ T. W. Higginson, *Life of Francis Higginson*, 72.

² Trumbull, *Hist. of Conn.*, i. 292.

³ Mass. Hist. Soc. Coll., 5th series, ix. 118.

⁴ Conn. Hist. Soc. Coll., vi. 15. Hartford MSS. Town Records, "Distributions," 402, 471, 472.

⁵ Conn. Hist. Soc. Coll., vi. 7, 59, 60.

the town was under some obligation to him. It may have been taken to compensate him for his services as interpreter in negotiating the Indian purchase of 1638, or in connection with those rendered or to be rendered as the town school-master.

On Colonel Fenwick's second voyage to America, which took place during the summer of 1639, he had taken ship to Quinnipiac (or New Haven),¹ and Rev. Henry Whitfield was one of his fellow passengers. Whitfield and his party soon made a settlement at Guilford, the point in the Colony of New Haven nearest to the territory appertaining to the Saybrook jurisdiction. Fenwick was on the friendliest terms with him, and no doubt advised the selection of the site for their plantation. His chaplain was one of the subscribing witnesses to the conveyance of it obtained from the Indians in September, 1639,² and so probably assisted as an interpreter at the preliminary negotiations.

A few months later³ his mother died at New Haven, where she had become one of the planters. She had an estate of about £250, besides a farm at Saugus. As she left no will, the General Court voted, "w^h the consent and approbation of Mr. John Higginson her eldest sonne," that he, "the charges of his education considered, is onely to have his father's books, together w^h the value of 5^l in bedding for his porcō,"⁴ with a share of the proceeds of the Saugus farm when sold.

Mr. Whitfield brought over a large family of sons and daughters, and built what for that day was a handsome house for himself. It was of solid stone, and still stands in good condition. He was a great admirer of Thomas Hooker,⁵ and had given him shelter at his rectory at Okely in Surrey, when he was in danger of arrest for nonconformity. It is not improbable that he now sought his advice as to procuring an assistant for the Guilford pulpit. No New England church was then thought properly equipped without at least a pastor and a teacher. Mr. Whitfield had employed a curate at Okely, and would naturally want some such aid in his new home. At all events, John Higginson soon removed to Guilford for this pur-

¹ He arrived July 15th.

² Atwater, *Hist. of N. H. Colony*, 164.

³ In January or February, 1639-40. *N. H. Col. Rec.*, i. 28.

⁴ *N. H. Col. Rec.*, i. 29, 30.

⁵ Mather, *Magnalia*, i. 312, 541.

pose, where he afterwards married Mr. Whitfield's daughter Sarah.¹

Public worship was at this time supported at Guilford as a town affair, without the organization of any church. Mr. Whitfield was a man of considerable means, and probably served at first without charge. His young assistant was not in a position to do this, and at his request a town meeting was called to determine what and how he should be paid. At this meeting a paper was signed, pledging each of the subscribers to a certain contribution, under an oral agreement that if any of them should remove from the town, it should have the use of his lands so long as might be necessary for the purpose of raising the amount of his subscription. The validity of this curious lien, which there was soon occasion to enforce in the case of one of the settlers who removed the next year to New Haven,² was upheld in a suit between him and the town of Guilford,³ by the General Court of the Colony.

A church was finally organized in June, 1643.

For four years the plantation had been governed by four of the planters to whom the rest had intrusted such authority as they could bestow for that purpose. The title to the lands which they occupied had been taken by seven of their number for the benefit of all, and with the understanding that it should be made over to the church whenever it should be formed, to be distributed under its superintendence.⁴ So, at a meeting of the planters, held February 7, 1642, it was agreed "that the civil power for the administration of justice and preservation of peace" should remain in the hands of the four men "formerly chosen for that work, until some may be chosen out of the church that shall be gathered here."⁵

True to this original design, as soon as the church was organized a political change followed, which I think is unique in the history of New England. The church absorbed the town and became the governing body, not as a municipal but as an ecclesiastical authority. It was an assertion of the temporal

¹ His removal is stated by Rev. Mr. Ruggles, in *History of Guilford (Mass. Hist. Soc. Coll., 1st series, iv. 187)*, to have been in 1643. Smith (*Hist. of Guilford*, 92) puts it "about 1641."

² Atwater, *Hist. of New Haven Colony*, 168.

³ *New Haven Colony Rec.*, i. 371, 372, 431, 432.

⁴ Smith, *Hist. of Guilford*, 9.

⁵ Atwater, *Hist. of New Haven Colony*, 168.

power as properly an appurtenance of the spiritual. Those to whom the Indian title to the land had been conveyed resigned their rights into the hands of the church, and, the Guilford records proceed to state, those four of them also which had been chosen to exercise the civil power did also express that their trust and power for that work was now terminated.¹ It was then unanimously agreed that only such of the planters as should be members of the church should thereafter be called freemen, and that the freemen should "elect magistrates, deputies, and other officers of public interest or authority in matters of importance concerning either the civil affairs or government here, from amongst themselves, and not elsewhere."²

The plantation had been supporting a church. It was now to be the church which supported the administration of the plantation.

New Haven and Milford had proceeded in the same direction, but by no means so far. New Haven allowed members of other churches to be admitted as freemen,³ nor did her church, as such, assume any rights of property or political government.⁴ Milford had already admitted as freemen some who were not church members at all.⁵ The Guilford planters, on June 29, 1643 (N. S.), made their own local church the fountain of political power and the source of future landed proprietorship. One of Mr. Higginson's successors in the Guilford pulpit, writing a century later, thus epitomizes the day's doings: "Like their brethren at New Haven they adopted and acted upon that unhappy mistake that it is a thing of more importance to save and be governed by the steeple than the State."⁶

Practically, however, the only real political change was a narrowing of the right of suffrage for civil office. The church spoke, in politics, only through its members acting individually, as they gave their votes; and while they only could act in elections to office, town meetings of all the planters, whether church members or not, were soon held as formerly, at which lands were divided and roads ordered.⁷

¹ Smith, Hist. of Guilford, 151.

² Atwater, Hist. of N. H. Colony, 170.

³ N. H. Col. Rec., i. 20.

⁴ Levermore, Republic of New Haven, 15.

⁵ Atwater, Hist. of New Haven Colony, 157.

⁶ Mass. Hist. Soc. Coll., 1st series, x. 97.

⁷ Smith, Hist. of Guilford, 52. The first was on October 7, 1646. Steiner, Hist. of Menunkatuck, 140.

On the formation of the church, Mr. Whitfield was elected "pastor" and Mr. Higginson "teacher." This was not followed by any ceremonies of ordination.¹

Mr. Whitfield not unnaturally considered his orders in the Church of England as sufficient. He was the leader of the plantation, and its main financial support. Guilford was virtually his old parish of Okely transplanted to New England. His church wardens had followed him and most of the substantial parishioners.²

It is less easy to assign a reason for the fact that Mr. Higginson was neither ordained then nor later during his life in Guilford, although the new church made him its "teacher" at the time that Mr. Whitfield became its "pastor."³ Probably it came from the fact that he had been for quite a time fulfilling the same office for the same people, so that it would have been a mere piece of ceremony, and also, at the beginning, from a wish not to put his colleague in any position that might have seemed an awkward one; for if there had been an ordination, the imposition of hands would naturally have been looked for from Mr. Whitfield, whose ties to the Church of England were still strong, and who not improbably had no disposition to assume a function which, he had been accustomed to feel, belonged only to a bishop.

In the replies of the colonial clergy to the thirty-two questions as to church order in New England, asked in 1637 by some of the Puritan ministers in England, it is stated as the New England view that the real title to ministerial office came from the election to it by the members of the church; that ordination was no more necessary than coronation to a king; and that when given, at the formation of a church, it was to be given "by the most prime, grave, and able men from among themselves, as the church shall depute hereunto."⁴ Mr. Higginson, no doubt, had these opinions, for they were substantially repeated in the Cambridge Platform of 1648 (Chap. IX.) and followed in his own ordination at Salem in 1660.⁵

The sentiment of that day was distinctly against the prac-

¹ Ruggles, *Hist. of Guilford, Mass. Hist. Soc. Coll.*, 1st series, iv. 186, 187.

² *Mass. Hist. Soc. Coll.*, 1st series, x. 91.

³ Felt, *Hist. of Salem*, ii. 582; Smith, *Hist. of Guilford*, 89; Trumbull, *Hist. of Conn.*, i. 521.

⁴ Felt, *Eccles. Hist. of New Eng.*, i. 231, 384, 385, 480.

⁵ *Ibid.*, ii. 224.

tice of ordination at large. Thomas Hooker was opposed to it, and it is known that his views were shared by Mr. Higginson. It was their opinion that there should be no pastor without a people,¹ that is, without a people formally associated as a Christian church.

That Mr. Higginson regarded himself and was regarded by the clergy of the time as regularly in the work of the ministry as early as 1637 is plain. That was as chaplain to a military post. At Guilford he continued the work as teacher of a church. That was by the free election of the church; and this was, in the ecclesiastical law of the time among Congregationalists, a sufficient title.²

Another significant departure at Guilford from the general custom of New England was the omission to choose deacons. None were ever elected during Mr. Higginson's ministry there.³ This, again, was probably due to Mr. Whitfield's influence. He was still of the Church of England, and his position of nonconformity had not committed him to the view that a mere layman could properly bear the name of deacon.

The church at Guilford, when it was organized, was set, after the fashion of New Haven Colony, on seven pillars. It was quite a family church.⁴ The pastor and teacher were the first two pillars. The third was another son-in-law of Mr. Whitfield, Samuel Desborough (or Disborow), whose brother, Major-General John Desborough, had married a sister of Oliver Cromwell (Jane), and who, returning to England in 1650, became Keeper of the Great Seal of Scotland and a member of Cromwell's Parliament in 1655. The fifth was Jacob Sheaffe, a first cousin of Mrs. Whitfield, who was a daughter of Rev. Dr. Thomas Sheaffe, Dean of Windsor.⁵

While at Guilford, Mr. Higginson also kept the town school until 1656, when he was succeeded by Rev. Jeremiah Peck, afterwards the first Rector of the Hopkins Grammar School of New Haven.

¹ Felt, *Eccles. Hist. of New Eng.*, i. 566.

² Walker, *Creeds and Platforms of Congregationalism*, 145; notes 3, 4.

³ Steiner, *Hist. of Menunkatuck*, 40.

⁴ Atwater, *Hist. of New Haven Colony*, 169.

⁵ N. E. Hist. and Gen. Reg., lv. 215, 216. Savage in his Dictionary erroneously calls Jacob Sheaffe a brother of Mrs. Whitfield.

He was at this time, and through life, a plain talker in the pulpit.

No one can read the records of those days without seeing that chastity was not the virtue best practised. Evidently he preached on this theme, for the town court records show, in 1647, that one of his young parishioners, who was accused of fault in this respect before the courts, in commenting on his preaching said that "Mr. Higginson in his sermon did so teare at y^e young men that if he had been there, he would have gone out of the meeting-house and not have endured them."¹

In 1647 Thomas Hooker died. He had intended to prepare for publication a body of divinity founded on the sermons of a lifetime. Like most popular preachers of his day as well as ours, he had been often a victim of the short-hand reporter. Hasty and perhaps unguarded utterances in the pulpit had been thus perpetuated, out of their proper setting and with imperfect accuracy. He had also maintained what became in the succeeding century the shibboleth and the reproach of "Hopkinsianism," and doubtless wished to have his position as to that precisely stated.² This work he never completed, but in his will³ he left it to his wife, with the assistance of Governor Hopkins and William Goodwin, to decide what, if any, of his manuscripts were fit to be printed. Apparently they made Mr. Higginson a sort of literary executor, for he was at the pains of transcribing nearly two hundred of the sermons and preparing them for the press. Much, but not all, of this material afterward appeared in print.⁴

The great bulk of the Guilford settlers were farmers, and they soon found that they had not land enough for their comfortable subsistence. Removals began, and more were threatened. In October, 1645, Colonel Fenwick, at Mr. Whitfield's request, enlarged their bounds by a cession of considerable extent to the eastward and expressed the hope that it would "be a means fully to settle such who for want of fit accommodations (have) begun to be wavering," adding that "however in former times (while chapmen and money were plentiful) some have gained by removes, yet in these latter times, it doth

¹ Steiner, *Hist. of Menunkatuck*, 80.

² Walker, *Life of Thomas Hooker*, 165.

³ Col. Rec. of Conn., i. 500.

⁴ Mather, *Magnalia*, i. 315.

not only weaken and discourage the plantation deserted, but also wastes and consumes the estates of those that remove. Rolling stones gather no moss in these times and our conditions now are not to expect great things. Small things, nay moderate things, should content us, a warm fireside, and a peaceable habitation, with the chief of God's mercies, the gospel of peace, is no ordinary mercy, though other things were mean."¹

There were forces at work more powerful than the want of farm-land, however, to disintegrate the little plantation. Fenwick himself was one of the first to yield to them, and in a year or two was campaigning in Ireland, one of fortune's favorites among Cromwell's colonels.²

The establishment of the Commonwealth sealed the doom of Guilford. Almost all the leaders, the men of means and position — Whitfield, Desborough, Thomas Jordan, and others — returned to England in 1650 or soon afterwards. It had never been anything more than a settlement of farmers. It was now a settlement of poor farmers. The little Colony, of which it was on the eastern frontier, was also sinking in relative importance, as compared with Connecticut. It had been hoped that its capital, New Haven, would become an important seat of trade, but this hope had faded away. There had been a project for establishing a college there for the Colony, but that had been abandoned as beyond the means of the people. Guilford, at a General Court for the town held on June 28, 1652, declined, on this ground, to make any pledges for the support of such an institution, should it be set up, "esply considering the unsettled state of New Haven Toune being publiquely Declared frō the Deliberate judg^t of the more understanding men to be a place of no Comfortable subsistence for y^e p^rsent inhabitants there."³

Mr. Whitfield was one of the first party to set sail for home, and three years later Mr. Higginson was chosen "pastor" of the church, in which he had continued up to that time to be the "teacher."⁴ A town meeting was called, on September 5, 1653,⁵ to settle his salary; and he agreed in writing that if he

¹ Smith, *Hist. of Guilford*, 63.

² Whitelock's *Memorials*, ii. 249, 266; Carlyle, *Life of Cromwell*, i. 513.

³ Guilford MSS. Records, A, 128.

⁴ Smith, *Hist. of Guilford*, 92.

⁵ Guilford MSS. Records, 132.

were paid £80 a year, and had a new corn house, and £20 to pay his debts, he would continue with them in the work of the ministry as long as the salary should be duly paid.

To a young minister with a rapidly growing family in a thinly settled frontier town, the outlook must have seemed dark. Mr. Higginson for a time hoped that Cromwell's foreign policy might lead to some new opening for him and his people. Cromwell had written, early in the spring of 1654, to the Governor of the Colony of New Haven of a naval expedition to be sent out to assist the colonists against the Dutch at New Amsterdam.¹ A treaty of peace between the States General and England was, however, soon afterwards signed (in April, 1654), and Cromwell, finding a hundred and sixty men of war thus left free, began to think of sending them to the Spanish West Indies.² In October of this year (October 25) Mr. Higginson wrote to Rev. Thomas Thacher, of Weymouth, that Cromwell had suggested to some of those who had returned "from these parts, if N. England people would be willing to be removed, he might possibly remove them to a place where they should have towns, habitations, lands, staple commodities, &c." The place he had in mind, they thought, was Hispaniola or Mexico, and they reported that a great fleet was "prepared to be sent thitherward." "The apprehension," he adds, "of such a thing as being removed thither, or of a trade there, doth for the present stop and stay many in these parts, who were inclined, some for England and others for Delaware Bay. For myself, I have settled upon my relation to the church and people here, either to stay or go, together, as the will of God shall appear. Having constant intelligence from some nearly related to me, who are also nearly related to the Lord Protector, we at Guilford are as like to share in any privileges there as any other (if there should be any such thing), but it may be these are but trials, and that God will have his people stay here still . . . Our Governor Mr. Eaton is a fixed man, one like Mordecai seeking the welfare of his people either to stay or to remove with them."³

The fleet did sail against Hispaniola, a few weeks later (December, 1654), but only to meet with a mortifying rebuff. In Sewall's Diary we find that on November 11, 1696, he

¹ N. H. Col. Rec., i. 100, 102.

² Morley, *Life of Cromwell*, 436.

³ Conn. Hist. Soc. Coll., iii. 319, 320.

called on Mr. Higginson at Salem, who told him that a suggestion made to Cromwell from New England was one of the things that "put Him on the Expedition to Hispaniola," and that he himself, "and three more were to have gone to Hispaniola if the Place had been taken."¹

This would indicate that Mr. Higginson's resolution to stay at Guilford if the other settlers concluded to do so, was changed when, a few months after he had written to Mr. Thacher, the news came that a formidable squadron had actually been sent to seize Hispaniola.²

Of the three who were to go with him, William Leete and Thomas Jordan, the Guilford lawyers,³ were probably two. Both of them had been sent to Boston in June, 1654, as the representatives of the Colony to confer with Major Sedgwick and Captain Leverett, whom Cromwell had commissioned to arrange for the expedition against New Amsterdam,⁴ and Jordan not long afterwards went back to England. Leverett had been taken into Cromwell's confidence with regard to his designs on the Spanish possessions in America, and offered the place of Governor, should a conquest be effected and an English colony established. "My Lord," he replied, "Let us make an end of one voyage first"; and he declined it,⁵ as it afterwards turned out, very wisely. He may however have communicated to Cromwell, to whom he wrote July 1, 1654, of his conference with the Connecticut and New Haven Commissioners, that there were some capable and ardent men at Guilford to whom such an adventure would have greater attractions.

The English relations alluded to in the Thacher letter were, no doubt, Mr. and Mrs. Samuel Desborough and some of the Whitfield family. His brother-in-law, Nathaniel Whitfield, had returned to England early in this year, settling in London, and Mr. Higginson and he maintained a friendly correspondence until his death, forty years later.⁶

¹ Mass. Hist. Soc. Coll., 5th series, v. 437. This episode in the history of New Haven Colony was described by President Strong of the University of Kansas in 1898, before the American Historical Association. Am. Hist. Asso. Report for 1898, pp. 79-94.

² Bacon's Hist. Discourses, 368.

³ Felt, Hist. of Salem, i. 45; N. H. Col. Rec., ii. 100, 101.

⁴ *Ibid.*, 107 and note.

⁵ Mass. Hist. Soc. Coll., 5th series, v. 437.

⁶ *Ibid.*, 3d series, vii. 201.

Mrs. Desborough was a cousin of Jordan,¹ and her husband was in confidential relations with Governor Leete. At the Governor's request he had written to Cromwell early in 1653, in behalf of his "ffriends in these pts of New England, entreating his wise & gratioſs contriunt^t & help in their afflicted & straitned Conditioⁿ";² and shortly before Mr. Higginson's letter to Mr. Thacher, one had been received from Captain Astwood of New Haven, with an account of an interview which he had obtained from the Protector, since the peace with Holland. Astwood's negotiations are thus summarized in a letter from Leete to Desborough, dated October 10, 1654: —

" My Lord asked him whether it would not be better that New England were removed to some place where they might haue Cityyes ready builded & land ready tilled & where staple Comodities might be raised, than either to remoue the dutch or plant in Delawar, the place he hinted it seemes was Hispaniola, But Captaine Astwood answered at p'sent that he thought we would rather chuse the nearer & probably more peaceable though the poorer, Than be removed farther wth more hazard to loose peace, & gaine riches. The answer was true for the maine so farr as it went, But we app'hend some should haue beene added, as we haue inserted in a lre frō our Generall Court to y^e Protector this yeare, viz: That w^tuer we might upō selfe respect chuse, yet wee are free in adherence & compliāce wth his highnes & our godly natiue Cuntrymen to be removed to any place whether the lord our god shall call where we may but carry on Chs worke under our handes & provide necessary Comforts for us and ours. The Captaine saith my lord wished him to Consider further of the matter & come to him againe, when (I hope) he will bethink himselfe of an answer that may shut up no doore of providence towards us, wthout first acquainting us y^t so the positieue answer may imediatly proceed frō our selues, ffor the p'sent I pceiue the cuntry doe most desire to keep themselues in y^e most waiting posture w^{ch} may suit any further discovery of gods minde & will concerning them, whatsoeuer, or whersoever, onely attending the p'sent duty of the day or yeare, w^{ch} frame cannot chuse but be somew^t detrimētting to settlem^t here, if so should proue to be our way after all, yet for my pt I think if many had knockt in lesser stakes into the Rocky sandy pts of this wilderness, it might better haue suited a wildernes state, in its infancy esp^{ly}." ³

¹ Waters' Genealogical Gleanings in England, i. 247; N. E. Hist. and Gen. Reg., lv. 213-216.

² Waters, *op. cit.*, 246.

³ *Ibid.*, 246, 247.

That Leete had serious thoughts of leaving Guilford, to better his fortunes, is plain from other expressions in this letter, though it is plain also that he did not care to have his intentions generally known to his fellow colonists.

He closes it with an affectionate remembrance to "deare M^{rs} Disbrow," but his next news from England was probably that of her death, which occurred this year.¹ This was followed, in 1655, by Mr. Desborough's second marriage to Mrs. Rose Pennoyer, owner of the manor of Tharfield, Herts, and of considerable other landed property.²

A year later, Desborough himself became a large landed proprietor by the purchase of a country-seat in Cambridgeshire, and in 1660 he was one of the first to avail himself of the general pardon offered by Charles II. by the Declaration of Breda.³

The death of his first wife broke the main link which bound him to the Higginson family, and although Cromwell, after the seizure of Jamaica, would have been glad to draw settlers there from New England, we hear nothing more of any endeavors on the part of Desborough to promote the interests of his friends in Guilford in that direction.

Affairs in the Colony of Connecticut became clouded about this time by a serious controversy in the Hartford church. Beginning early in 1656, it continued until 1659, and resulted in the removal of several of the leading families to found the town of Hadley, Massachusetts. Mr. Stone, the teacher of the church, had become unpopular. His resignation was tendered, and though not formally accepted, a minority of the church, headed by Ozias Goodwin, contended that it virtually had been, and if not, ought to be. Mr. Higginson endeavored at the outset to persuade those most actively engaged in the dispute not to make it a public matter by calling an ecclesiastical council, but rather to adopt what he terms a "private and brotherly way of healing." A Council was however called in June, 1656. Mr. Stone was ill-content with the result of it, which advised, under certain conditions, the dismission of the dissatisfied members to other churches. Failing

¹ Dict. of Nat. Biogr., title "Samuel Desborough."

² Waters' Gen. Glean. in England, i. 253, 503.

³ *Ibid.*, 249.

to obtain this, they applied for admission to the church of Wethersfield, and in the following winter the Guilford church, among others, was appealed to for advice by all parties concerned. The dissenters sent down the grounds of their withdrawal. Mr. Stone sent down his answers. The Wethersfield church asked if the seceders should be received.

Mr. Higginson's conduct in this matter will illustrate the masterful way in which the New England minister of that day was apt to rule his people. In this respect he belonged to the school of Mr. Stone, who defined Congregationalism as "a speaking aristocracy in the face of a silent democracy."¹ He did not read any of these communications to his church, although each was addressed to it, but wrote back his own opinion at considerable length. It was strongly adverse to the position taken by Mr. Stone and the majority of the Hartford church. The controversy, he said, had been submitted to a Council. It had made a definitive sentence. They had not submitted to it, "yet it was their duty to yield and give place to that sentence, without any further disputation; so as in silence to suffer vnder their judgm^t, as the will of God concerning them; being contented to be accounted guilty of such offences as the Counsell had judged, rather to cause any further disturbance, leauing their case with God."²

These emphatic and well-chosen words are a fair example of Mr. Higginson's literary style. It was plain, forcible, and direct. Dr. Rufus W. Griswold has said that he was "incomparably the best writer, native or foreign, who lived in America during the first hundred years of her colonization."³ I think this commendation is overstrained. Mr. Higginson's own father, to mention no others, seems to me to have surpassed him in the power of effective statement. But unquestionably he does compare very favorably with most of his clerical contemporaries. There is less obtrusion of pedantry, less harshness of expression, more clearness of arrangement, a better choice of words. Occasionally he writes a sentence that lingers in the memory and brings his thought before you with the same distinctness with which a painting may speak that of the artist.

When, for example, in his old age, he writes to one of his

¹ Mather, *Magnalia*, i. 395.

² Conn. Hist. Soc. Coll., ii. 94.

³ Allibone's Dict., title "John Higginson."

sons who had grown rich in the service of the East India Company,¹ to ask him to give some assistance to his elder brother, Major John Higginson, who had met with losses in trade, after stating what these losses were, he adds: "and yet he is a Major and a Justice of the Peace, and the shew of public occasions lies much upon him."²

As an indication of his pulpit manner, this passage may be cited from "Our Saviour's Dying Legacy of Peace,"³ published in 1686:—

"Death in its nature is the same to all, but not in its end and use; for to the Saints the Commission of death is changed; to the wicked it is, Take him, Jailor, carry him down to Hell, but to the Godly it is, Take him, Porter, and give him entrance into Heaven."

Another instance of his simple but pointed style may be given from the records of the church at Salem Village. In 1687 it was divided on the question of calling Rev. Deodat Lawson as its pastor, and all differences were referred for settlement to the elders of the parent church and three laymen. In the award, which I assume to have been from Higginson's pen, one of the closing passages is this:—

"Finally, we think peace cheap, if it may be procured by complying with the aforementioned particulars, which are few, fair, and easy; and that they will hardly pass for lovers of peace, truth, ministry, and order, in the day of the Lord, that shall so lean to their own understanding and will that they shall refuse such easy methods for the obtaining of them. And, if peace and agreement amongst you be once comfortably obtained, we advise you with all convenient speed to go on with your intended ordination; and so we shall follow our advice with our prayers. But, if our advice be rejected, we wish you better, and hearts to follow it; and only add, if you will unreasonably trouble yourselves, we pray you not any further to trouble us."⁴

The opinion of Mr. Higginson in regard to the church controversy at Hartford, so unfavorable to his old instructor in theology, Mr. Stone, apparently caused no break in their personal relations, for the will of the latter, who died in 1663, contains this provision:—

¹ See Bernard C. Steiner's "Two New England Rulers of Madras," *South Atlantic Quarterly*, July, 1902.

² Mass. Hist. Soc. Coll., 3d series, vii. 199.

³ P. 129.

⁴ Upham, *Salem Witchcraft*, i. 272.

"And farther itt is my desire that such of my manuscripts as shall be judged fitt to be printed my Reverend Friend, Mr John Higginson pastor of the church of X^t at Salem may haue the peruseall of them, and fit them for the press, especially my catechisme."¹

Mr. Higginson seems to have prepared Mr. Stone's "Body of Divinity" for publication, but not to have succeeded in finding a publisher.² A manuscript copy, apparently begun in 1695 and finished in 1697, is in the library of this Society. It is furnished with an index, and ready for the printer's hands. Probably it is a copy or a copy of a copy of what Mr. Higginson edited for the press, thirty years before.

In 1657 the Commissioners of the United Colonies of New England voted that it was desirable to collect materials for a general history of all the plantations. The General Court of New Haven responded, in May of that year, by requesting Rev. John Davenport of New Haven, Rev. John Higginson of Guilford, and Rev. Abraham Pierson of Branford "to gather vp the most remarkeable passages of Gods providenc w^h hath bine obseruable in these parts since their first beginings, w^h may be a help toward the compyling of a history of the gracious providences of God to New-England, w^h the comission's desire may be attended to."³

It was indeed full time to begin to write the history of New Haven Colony, for it had but seven years more to live. Before its extinction, Higginson had removed to Salem, and shortly after it Davenport went to Boston, and Pierson to Newark. The work commended to them was never done.

I know to-day of but one living link that binds the little Colony in actual continuity of existence to our times. It is a fund in the hands of Harvard University, left by the will of William Pennoyer of London, in 1670. He owned an estate in Norfolk, then let for £44 a year, and disposed of it thus :

"My will is that out of the rents and profits thereof ten pounds per annum shall be paid forever to the Corporation for Propagation of the Gospel in New England and that with the residu^e thereof two Fellows and two scholars forever shall be educated, maintained and brought

¹ Walker, Hist. of First Church in Hartford, 447. The catechism was published in 1684, but no other of his MSS. were ever printed, though Mather speaks very highly of one. *Magnalia*, i. 391. Conn. Col. Rec. i. 413.

² Cotton Mather's Funeral Sermon at Salem, January 10, 1708, p. 38.

³ N. H. Col. Rec., ii. 217.

up in the college called Cambridge College in New England, of which I desire one of them, so often as occasion shall present, may be of the line or posterity of the said Robert Pennoyer, if they be capable of it, and the other of the colony now or late called 'Newhaven' Colony, if conveniently may be. And I declare my mind to be that eight years or thereabouts is a convenient time for education of each scholar respectively, and about that standing others to be taken in their places, which nevertheless as to time I leave to the Master and Governors of the said College."¹

Efforts were made in 1658 to get Pierson and Higginson to enter the missionary field, for which their attainments in the Indian languages particularly fitted them. Governor Endicott endeavored to induce the latter to go to Martha's Vineyard for this purpose, but without success, and as he wrote to the Commissioners, without much hope of it.² Meanwhile the condition of things at Guilford had continued to decline. His salary had fallen into arrears,³ and he felt that the time had come when he must leave the place.

His transfer to Salem was not of his own planning.

He had set sail from Boston for England with all his family early in 1659. A storm beat the ship back upon the coast, and she ran into Salem harbor. Thirty years before, his father had brought him there, a lad of thirteen. Now he was bringing there his own son, of the same age and the same name. The coincidence was to run still farther, for he was at once invited to preach in the old pulpit, and "preached so well that he was asked to supply it for a year. The pastor, Rev. Edward Norris, was in declining health and died in December. In the following spring a call was extended to Mr. Higginson to become his successor, at a salary of £160 a year, "if he shall Continue to cary on the whole worke of the mistry, and so longe as the towne shall be able so to doe."⁴

This was double what he had been receiving at Guilford,⁵

¹ Waters, *Genealogical Gleanings in England*, i. 505.

² Felt, *Ecclesiastical Hist. of New England*, ii. 51, 201. Governor Mayhew, of Martha's Vineyard, wrote in 1658 to Governor John Winthrop, Jr., in regard to this.

³ £14 was due him when he left Guilford, and a special tax to liquidate it was voted by the town, January 3, 1659-60. Guilford MSS. Records, A, 179.

⁴ Transactions of the Essex Inst., v. 271, 272.

⁵ Steiner, *Hist. of Menunkatuck*, 74.

and the town also voted to build a parsonage. As to this, however, some of the leading men made a much better arrangement for him. To use their own words, —

“Considering his present lowe Condicon and great family, it was thought meet rather to goe by way of voluntary Contribution for the buildinge of a dwellinge house for him to be giuen to him and his foreuer.”

This accordingly was soon accomplished.¹

Mr. Higginson accepted the call March 9, 1660.² On his part, the appointment by the church of a layman as a Ruling Elder was requested. There had never been one in the little Guilford church,³ but here he thought one needed, “the place being great, the people many, and y^e work like to be much, especially in such times as these.” I ask it, he wrote them, “for myself. I know my own weakness many ways and that I shall have need of the freedom of my spirit and command of my time that I may in some measure fulfill the work of the ministry, unto which I am called of God by yourselves.”⁴ John Brown was accordingly elected, and both were ordained on the same day by the imposition of hands by three members of the church deputed for the purpose.⁵

The Massachusetts clergy then acknowledged more fully than those of Connecticut the necessity of having a ruling elder for every church. Rev. Thomas Welde, of Roxbury, writing a few years earlier, in his “Brief Narration of the Practices of the Churches in New England” (London, 1645, p. 4), says that each of them is, by the blessing of the Lord, properly equipped for its work if and only “if the minde and judgement of his Saints be well informed and instructed in what they ought to know, believe and do (which is the work and office of the Teacher), and if the conscience be convinced, the will bowed to holy obedience, the affections rectified and set upon their object (which is the office and work of the Pastor), if the life and conversation be well ordered also (which is the proper imployment of the ruling Elder,) and if

¹ Trans. Essex Inst., v. 273.

² Felt, Hist. of Salem, ii. 582.

³ Steiner, Hist. of Menunkatuck, 40; Mass. Hist. Soc. Coll., 1st series, x. 91.

⁴ Trans. Essex Inst., viii. 33; White, New England Congregationalism, 45.

⁵ Dexter, Congregationalism as seen in its Literature, 572, note; White, New England Congregationalism, 46.

all things be beautifully ordered and governed in the House of God in all the administration hereof (which is the joynt work of them all together).”

It has been stated by one authority¹ that the voyage to England was undertaken for the purpose of settling the estate of his mother, who had recently died, and by another,² that it was to pay a visit to his father-in-law. His mother, however, as has been seen, had died twenty years previously, and Mr. Whitfield was now also dead. The nuncupative will of the latter, declared in September, 1657, and admitted to probate in January following, was probably the main moving cause. By this he gave all his goods to his widow, “to bee disposed of by her to and amongst my children as shee shall see cause.”³

Mrs. Higginson would naturally be desirous of getting her full share, and her appearance in England with her little family of boys and girls would be a most convincing argument in her favor. An invitation to return had been received from some one, Cotton Mather tells us,⁴ and Mrs. Whitfield was the person most likely to have given it.

The ties which bound them to Guilford had been greatly weakened.

It offered no advantages of education for their children, nor, as yet, did any town in the Colony. The Hopkins Grammar School at New Haven was not opened until the following year.

Of his brothers, Theophilus, who had been the mainstay of the family at New Haven, had died several years before;⁵ Francis had returned to England and was a parish minister at Kirkby Stephen in Westmoreland; and Samuel commanded an English man of war.⁶ Thomas Chatfield, who had married his sister Ann, had left Guilford for Long Island.⁷ Jacob Sheaffe had removed to Boston in 1643, where, dying in 1659, he left an estate of over £8000, a colossal fortune for those days.

¹ T. W. Higginson, *Life of Francis Higginson*, 142.

² Ruggles, *Hist. of Guilford*; *Mass. Hist. Soc. Coll.*, 1st series, x. 93.

³ Waters, *Gen. Glean.*, ii. 1351.

⁴ Funeral Sermon of January 10, 1708, p. 41.

⁵ Waters, *Gen. Glean.*, i. 199; ii. 1081.

⁶ *Essex Inst. Hist. Coll.*, v. 33.

⁷ Smith, *Hist. of Guilford*, 26.

If John Higginson could hope for any preferment in England from the influence of family or friends, there was no time to lose in seeking it. The Lord Protector had died in September, 1658, and Richard Cromwell's hold on the succession was plainly a feeble one. General Desborough was of the Privy Council, which had proclaimed his accession, and had not as yet begun openly, at least, to scheme to set him aside in favor of a free commonwealth.¹ If Richard remained in power, he might be well disposed towards those coming back from New England. Should he fall, and the Stuarts return, there would be small hope for them, and least of all for those from a colony which had given shelter to regicides.

The two men of means and position in England, outside of his family connections, whom he had been in a position to know best, and from whom he would have had reason to expect some patronage, Colonel George Fenwick and Governor Edward Hopkins, had died a few months before Mr. Whitfield.² As for his relations there by blood or marriage, he had seen but few of them, and he could expect little from those to whom he did not make himself personally known. There was every reason for his leaving Guilford when he did, if he hoped to be able to give his children a sound education, and help them to attain the position in life to which their birth gave them a rightful claim.

Mr. Higginson's removal to Massachusetts was at the period when the agitation against the Quakers was at its height. During the preceding year the Colony which he left had passed a statute to keep out of its territory any belonging to that "cursed set of hereticks lately risen up in the world," and all "Quakers bookes, papers or writings concerning their divellish oppinions,"³ and the Colony to which he came had gone still farther, not only providing for their banishment, but making it a capital offence for one banished to return.

There were a number of Quakers at Salem. One of them was present at Mr. Higginson's ordination, and startled the assembly by crying out, "What you are going about to set up

¹ Whitelock's Memorials, 335, 342. Richard was already inclined to doubt his fidelity, but no whisper as to such a suspicion could have reached New England. Pepys's Diary, i., entry of January 17, 1659-60.

² Waters, Gen. Glean., i. 42, 64.

³ N. H. Col. Rec., ii. 239.

our God is pulling down." He was sent to jail for it,¹ and this was the beginning of a long series of unhappy differences between Mr. Higginson and this sect of religionists. In the summer of the next year Mrs. Nicholas Phelps, a Quakeress, was fined for saying that "Mr. Higginson sent abroad his wolves and bloodhounds among the sheep and lambs."² In 1669 another of the sect, Thomas Maule, was sentenced to be whipped, for affirming that "Mr. Higginson preached lies and that his instruction was the doctrine of the devil."³

A letter has been repeatedly published in periodicals, and even in books,⁴ purporting to have been written to Mr. Higginson by Cotton Mather under date of September 15, 1682. In this it is stated that the General Court of Massachusetts had given secret orders to waylay the "Welcome," in which William Penn had set sail for Philadelphia, and capture him and his company, with a view of selling them as slaves at Barbadoes. As this was the year when the Colony was trembling for its charter, one of the reasons for attacking which was its laws against the Quakers, and had sent agents to London to plead its cause before the Privy Council,⁵ the adoption of such a secret order, were there no other reason, would have been simply impossible. I refer to this clumsy forgery only as the smoke of a real fire.⁶ New England did treat the Quakers, whatever provocation they may have given, most harshly, and John Higginson must bear his share—a full share—of the reproach. It may, however, be set to his credit that in 1660 he and his ruling elder, Mr. Brown, united in a petition to the County Court for a suspension of the prosecutions against fourteen Quaker women.⁷

¹ Hutchinson, *Hist. of Mass. Bay*, i. 203, ed. 1768.

² Felt, *Eccl. Hist. of New England*, ii. 280.

³ Wheatland, *Hist. of Essex County*, 364.

⁴ Levering, *History of the Levering Family*, 68; E. D. Neill, *English Colonization of America*, 307; the *Easton (Penn.) Argus* of April 28, 1870, and the *New York Learner and Teacher*. It was stated by the "Argus" to have been found by a mythical personage, Mr. Judkins, described as the Librarian of this Society. By the "Learner and Teacher" it was said to be taken from a copy preserved in the archives of the Quakers in Rhode Island. Mr. Clarence S. Brigham, the Librarian of the Rhode Island Historical Society, to whom I am indebted for some of the above references, and Hon. Wm. B. Weeden, of Providence, have kindly inquired into this, and find no trace of such a document.

⁵ Palfrey, *Hist. of New England*, iii. 350, 368, 369.

⁶ It is also mentioned in *Mass. Hist. Soc. Proc.* for 1869-70, xi. 328, 329.

⁷ Felt, *Eccles. Hist. of New Eng.*, ii. 217.

Mr. Higginson's acceptance of his call to Salem was given in the closing days of the Commonwealth. They were visibly closing, and with them the door of return to England was shut to him. A few months later (December 21, 1660), after the restoration had been accomplished, the General Court summoned ten of the principal elders of the Colony to Boston to consult as to the proper form of an address to the new King. Mr. Higginson was one of them. Their counsel spoke the temper of the times. The gist of it was this: "That all due acknowledgment is to be made of the King's Majesty in that high and sovereign place or most rightful throne is meet and necessary, yet how high the congratulations should be, considering things present and the sequels thereof (to God only knowne) we cannot apprehend."¹

In June, 1662, Mr. Higginson gave the Artillery Election sermon,² and in 1663 (May 27) reached the culminating point of a colonial minister's career by the delivery of the annual Election sermon before the authorities of the Colony. It was on "The Cause of God and his People in New England," and was followed in July by a letter to the General Court, expounding its doctrines more fully. There was a strong political cast to it, and the current questions of the day were not forgotten.³ One of them was as to the regulation of suffrage. In respect to this he was for venturing on no doubtful experiments, and summed up his views concisely thus: "As in the matter of Religion we are to Keep to the Word of God, so in the matter of civil government keep to the Patent."

Religion, he insisted, was the moving cause of the settlement of New England. They had not been wholly unsuccessful in attaining what they sought; yet, said he, "I conceive our cause is not barely a Reformation, but a Progressive Reformation; To go on unto Perfection. A conceit of having already attained a Perfect Reformation should be far from us."

Nearly sixty years later, these honest words were rightly thought worthy of republication in "Elijah's Mantle," which gave "A Faithful Testimony to the Cause and Work of God in the Churches of New England and the Great End and

¹ Felt, *Eccles. Hist. of New Eng.*, ii. 232, 233.

² Felt, *Hist. of Salem*, ii. 584.

³ Felt, *Eccl. Hist. of New Eng.*, ii. 303, 306.

Intent of these Plantations, Dropt and Left by Four Servants of God," namely, Jonathan Mitchel,¹ John Higginson, William Stoughton, and Increase Mather.

This was the first Election sermon ever printed in Massachusetts, having been immediately put to press, although a year later an earlier one, delivered in 1661, was published.²

At the same session of the General Court he was made one of a committee of thirteen elders to draft an answer to a letter which had been received from the King.³

From this time on, he held for more than forty years an unquestioned place among the leaders of the Massachusetts clergy. The generation of the fathers had begun to pass away. In 1669 he wrote to an English correspondent that there were then in New England eighty-one ministers educated there, and but thirty-one who had been educated in England.⁴ Among those in his own Colony, Randolph reported to the home government, in 1673, that he was one of the three who were the most popular.⁵

In April, 1668, he was one of six ministers appointed by the Governor and Council to conduct the two days' public disputation resulting in the conviction of Thomas Goole and others, who had adopted the Anabaptist doctrine.⁶ Their excommunication followed; the ministers founding their recommendation of this penalty on Deuteronomy xvii. 8, 12. This passage lays down the rule that controversies of difficulty should be referred to "the priests the Levites, and unto the judge," whose decision must be implicitly obeyed: "And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the Lord thy God, or unto the judge, even that man shall die: and thou shalt put away the evil from Israel."

In 1672 (May 15) fourteen elders were summoned to advise the General Court as to some measures of legislative and judicial reform, for which there had been a popular agitation.

¹ Mr. Mitchel's part in this work grew out of a paper prepared by him to assist Mr. Higginson in composing his election sermon. Catalogue of the Brinley Library, i. 135.

² Proc. Am. Antiq. Soc., N. S., ii. 177; N. E. Hist. and Gen. Reg., xix, 160; Cotton Mather's Funeral Sermon of January 10, 1708, p. 36.

³ Rec. of Mass., iv. 74.

⁴ Felt, Eccl. Hist. of New Eng., ii. 433.

⁵ New Eng. Hist. and Gen. Reg., xxxviii. 380.

⁶ *Ibid.*, xxxiv. 298.

He was one of them, and the changes which they recommended were well considered and important. One was a reference to the ordinary courts of many matters which up to that time had been kept within the exclusive jurisdiction of the General Court.¹

During this year a minister from Virginia, Rev. Charles Nicholet, came to Salem, whose preaching was so attractive to many of Mr. Higginson's congregation that he was engaged as his assistant. Misunderstandings soon sprang up between them. The assistant seemed not unlikely and not indisposed to displace the pastor. The pastor thought the assistant's theology unsound. At last matters were brought to an issue by a town-meeting vote to call Mr. Nicholet regularly to the pulpit. This was a radical departure from the canons of Congregationalism, which require a call to the pastorate to emanate in the first instance always from the church as such. The controversy thickened and soon got into the General Court. There, in 1675 (June 10), a compromise report² was adopted that both the pastor, Mr. Higginson, and Mr. Nicholet should carry on the "worke of public preaching" jointly, "as before."³

The result was the retirement of Mr. Nicholet, who left Salem in 1676.

Six years later Mr. Higginson asked for a colleague, and Rev. Nicholas Noyes was called and ordained a "teacher," — the last to occupy that position in Salem,⁴ — with whom he maintained the friendliest relations during the rest of his long life.

A portrait of Mr. Higginson, which hangs in the State House of Massachusetts, dated in 1677, when he was sixty-one, shows that he was then very gray. The face has nothing spiritual or saintly in it. The look is shrewd and penetrating. Perhaps it is to this characteristic that John Dunton referred, when, in 1686, he describes him, in his journal, as one "whose very presence and face puts vice out of countenance." He

¹ Collection of Original Papers, etc. of Mass. Bay, 436.

² See Mr. Higginson's "Apology" addressed to the investigating committee. Mass. Hist. Soc. Coll., 4th series, viii. 269.

³ Rec. of Mass., v. 67.

⁴ Osgood and Batchelder, Sketch of Salem, 82.

adds that he was a vigorous old man, preaching every Sunday, and that "his conversation is a glimpse of Heaven."¹ He continued to maintain his part (and the leading part) in the services of the pulpit, as well as to give the weekly lecture, throughout the century.²

Soon after his settlement at Salem he began to exert his influence in favor of the position that all those baptized during infancy, in any church, thus became, in a sense, members of it. His church adopted his views, and a few years later he led them a step further to adhesion to the principle of the "half way covenant."³

It was at this period of his ministry that he prepared for their use a little tract on admission to church membership, the tone and purpose of which are indicated by an extract prefixed to it from the preface to the Savoy Confession of 1658, stating that a confession of faith "is in no way to be made use of as an imposition upon any; whatever is of force or constraint in matters of this nature causeth them to degenerate from the *name* and *nature* of confession, and turns them from being *confessions* of faith into *exactions* and *impositions* of faith."

Church and State were now beginning to draw apart, and each was coming to feel that it stood stronger by itself. An ill-considered statute was passed in 1677 for the better observance of the Sabbath day. It provided *inter alia* that all laws on this subject should be read in the churches twice a year, in March and September. One of these was that offenders against them might be put in a cage and exhibited in the market-place. Another made it a finable offence to omit attending public worship on Sunday, or to attend that of the Quakers. For the first year Mr. Higginson read these Sunday laws to his congregation, as was required. After that he ceased to do so, and started a movement on the part of the ministers which resulted in the repeal of the new statute in 1679.

In a letter to Cotton Mather on this subject, written in 1678 (September 30), he tells him that he had omitted reading the law in his church for a year, because he thought doing

¹ Mass. Hist. Soc. Coll., 1st series, ii. 118.

² *Ibid.*, 3d series, vii. 200, 206.

³ Walker, *Creeds and Platforms of Congregationalism*, 113, 114.

so tended to lessen the influence of a minister, on account of the civil penalties which the statute prescribed.¹

He was among the ministers at whose request a synod at Boston was called by the General Court, in 1679, to consider the necessity of a Reformation in New England. Its principal work was the adoption of a general confession of faith. The committee which prepared it was composed of ten, of whom Mr. Higginson was one. It was substantially a reaffirmance of the Savoy Confession.²

As time went on, Mr. Higginson naturally ranked himself, more and more, among the conservatives. He was for a larger authority in the pulpit, and a stricter adherence to the ancient forms. The formation of the Brattle Square Church in Boston, and the call of Dr. Colman, who had been ordained at London, to its pastorate, he looked upon as revolutionary, and expressed his opinion in a letter of reproof which he addressed to it in 1699 and in which his colleague joined.³

Two years later, in 1701, he united with Rev. William Hubbard in publishing their "Testimony to the Order of the Gospel in the Churches of New England; Left in the Hands of the Churches by the two most Aged Ministers of the Gospel yet surviving in the Country." It was an earnest plea for standing by the ancient ways, reinforced by personal reminiscences of the fathers, as they were seen by both the writers at the Cambridge Synod of 1648.

From the witchcraft prosecutions he held aloof. So far as he appears in connection with them, it is as a witness for the defence.⁴ His own daughter, indeed, Mrs. Anna Dolliver, was one of those accused, and this may well have made him more cautious than he might otherwise have been.

The sermon of Mr. Lawson, preached at Salem Village in March, 1692, which originally precipitated the prosecutions, was printed at the time, with a dedication to three of the magistrates, "together with the reverend Mr. John Higginson pastor and Mr. Nicholas Noyes teacher of the Church of Christ at Salem," but it did not bear the indorsement of either of

¹ Felt, *Eccl. Hist. of New Eng.*, ii. 511; *Mass. Hist. Soc. Coll.*, 4th series, viii. 279.

² Walker, *op. cit.*, 419, 421.

³ *Ibid.*, 467, 477.

⁴ Upham, *Salem Witchcraft*, ii. 193, 194.

them. Mr. Noyes, however, sympathized with its spirit and took his full share in all that followed. His colleague did not.

Five years later, when Rev. John Hale, of Beverly, was preparing for publication his "Modest Inquiry into the Nature of Witchcraft," Mr. Higginson contributed to it a "Prefatory Epistle," in which he suggested (p. 3) that "there is a Question yet unresolved, whether some of the Laws, Customs, and Principles used by the judges and juries in Trials of witches in England (which were followed as Patterns here) were not insufficient and unsafe."

Although Mr. Higginson wrote nothing himself of a distinctively historical nature, his name is connected with important work by others in that field. In 1669 (March 26) he joined with Rev. Thomas Thacher, of Boston, in a prefatory recommendation of Morton's New England's Memorial as a trustworthy book. His attestation to the "Magnalia," in 1697, has already been mentioned. It was the third of Cotton Mather's many publications to which he contributed a preface.¹

He did not escape the common fate of those holding long pastorates, — not only occasional differences in the church, but embarrassments in the ecclesiastical society. The town was at first this society, but as it came to spread over more territory, it was gradually divided into several parishes. In 1668 it was voted to pay him his salary in country produce instead of cash. He would have preferred to compromise for £120 in hard money, but in 1673 it was £160 in produce and forty cords of wood. The salary on which Mr. Noyes was settled in 1682, as teacher of the church, was just half as much.²

The French and Indian war, towards the close of the seventeenth century, bore hardly upon Salem and its commercial interests. In 1686 the town began to let Mr. Higginson's salary fall into arrears, and in a few years the balance due him ran up to nearly £500. A settlement on the basis of an annuity was arranged, but some letters from him and his son published in the third series of the Collections of this Society show that in his later years he was, if not in straitened cir-

¹ The others were the "Winter Meditations" (October 5, 1693) and "The Everlasting Gospel" (1700).

² Felt, Hist. of Salem, ii. 619.

cumstances, at least in a position which gave him little power to render such assistance as he would have liked to his children and grandchildren.¹

His reading was not so much confined to theology as that of many of his clerical contemporaries. He was as ignorant as they, no doubt, of Shakespeare, whose plays hardly became part of English literature before the close of the seventeenth century, but he was at least interested in travels and had a scholarly acquaintance with the geography of the world.² A letter to Cotton Mather has been preserved written by a younger brother in 1688, from Salem, where he was on a visit, in which he says that Mr. Higginson was anxious to borrow from his library, which had already become a large one, Knox's History of Ceylon and Tavernier's Travels, then a recent publication, adding "he will read them only when he is weary of studying."³

He gave according to his means in aid of the higher education in New England. When Harvard Hall was planned, he contributed £5 towards it, and in 1677 this and £20 from Edmund Batter, one of his parishioners, were the only subscriptions from Salem, although by 1680 they had increased to a total of £160.⁴

His long stretch of life, reaching back so nearly to the first beginnings of New England, gave him every year more and more a unique position. Whoever went to Salem — John Dunton on his travels; Judge Sewall as he came to hold court; Sir Edmund Andros on his return from the Indian war of 1689⁵ — was sure to wish to see Mr. Higginson. On one of his visits to him, in 1697, Judge Sewall was presented by the old man, under an injunction that it should not be printed during his lifetime, with a treatise he had written against periwigs, which were then in growing fashion.⁶ He practised in this respect as he preached. Though quite bald, Mr. Noyes's elegy tells us that he

¹ Mass. Hist. Soc. Coll., 3d series, viii. 198, 206.

² Cotton Mather attests this in his Funeral Sermon, p. 35.

³ Mass. Hist. Soc. Coll., 4th series, viii. 673.

⁴ N. E. Hist. and Gen. Reg., xxxv. 361; Felt, Hist. of Salem, i. 435.

⁵ Felt, Hist. of Salem, ii. 542.

⁶ Mass. Hist. Soc. Coll., 5th series, v. 464.

“For rich array cared not a fig
And wore Elisha’s periwig.”

If any question arose as to events in the early days of New England, he became, as he grew older, the first authority to whom to appeal.¹ In the rough rhyme again of Mr. Noyes, he

“was a Living History
And New England Chronology.”²

Allusion has been made to an interview with him sought by Governor Andros. It took place in March, 1688-9, when Andros was urging the paramount title of the Crown in New England, and in the presence of his little cabinet, including the Attorney-General. He asked Mr. Higginson directly, whether all the lands in New England were not the king’s, and insisted upon an answer, saying that he wanted his opinion not as a lawyer, but as a minister. “No,” replied the old man; “they are lands, not of the king, but of the king’s subjects.”

“I told them,” he said in an affidavit made a few months later (December 24, 1689), that “I had heard it was a standing principle in law and reason, *nil dat qui non habet*, and from thence I propounded this argument, he that hath no right can give no right to another; but the king had no right to the lands of *America* before the English came hither, therefore he could give no right to them. I told them I knew not of any that could be pleaded but from a Popish principle, that christians have a right to the lands of heathen, upon which the Pope as the head of the christians had given the *West Indies* to the King of *Spain*, but this was disowned by all protestants.”

This sturdy denial of his claims angered the Governor, who replied with indignation, “Either you are subjects or you are rebels.”³

Mr. Higginson was one of those who looked with disfavor on the institution of slavery. Judge Sewall, who took a lead-

¹ See, for instance, letter of Rev. Samuel Whiting to Increase Mather, of October, 1677, N. E. Hist. and Gen. Reg., ii. 198, and letters of Mr. Higginson to Increase Mather, of August 22, 1682, and August 17, 1683, in Mass. Hist. Soc. Coll., 4th series, viii. 282, 285.

² N. E. Hist. and Gen. Reg., vii. 237.

³ Revolution in New England Justified, Force, Coll. of Hist. Tracts, iv. 18-20.

ing part in the first "abolition" movement in New England, soon after publishing his tract of that subject called "The Selling of Joseph," wrote (April 13, 1706) to him thus: —

"Amidst the Frowns & hard Words I have met with for y^s Undertaking, it is no small refreshment to me y^t I have y^e Learned Revd & Aged Mr Higginson for my Abetter. By y^e interposition of y^s Brest Work I hope to carry on & manage y^s Enterprise with Safety and Success."¹

This friendly letter was no doubt written partly to cheer up the old man, who was now beginning visibly to decline in mind as well as body. He had reached the age of ninety, and though we have the word of his colleague that till his death, two years later (December, 1708), he had a

"comely face
Adorned with majesty and grace,"²

Cotton Mather, in his funeral eulogy, frankly states that the curtains of his mind were sometimes drawn.³

On the first of May, 1708, he wrote a paper which he entitled "My last words to my children," containing advice as to their manner of life, which has been printed in recent years, though hardly worthy of it.⁴

A few months later, on December 9, 1708, he passed quietly away. His colleague, Mr. Noyes, who had watched tenderly over his dying bed, in one of the best couplets of the elegy from which some quotations have already been made, says of this ending of a long life: —

"My Pastor, Pattern, Friend and Guide
And Father, all together died."

It speaks well for both men that twenty years of association in that most difficult relation of colleague pastors could close with such expressions of esteem.

Let Mr. Noyes also be the one to sum up Mr. Higginson's leading characteristics in the ministry: —

"With Parts and Learning furnisht well,
For Gifts and Grace he bore the Bell."⁵

¹ Steiner, *Hist. of Menunkatuck*, 76; *Proc. Mass. Hist. Soc.*, 1871-73, 364.

² *N. E. Hist. and Gen. Reg.*, vii. 237.

³ *Ibid.*, xix. 160.

⁴ *Essex Inst. Coll.*, ii. 97.

⁵ *N. E. Hist. and Gen. Reg.*, vii. 237.

His learning was not profound; his natural abilities were not pre-eminent; but he was endowed with the power to make the most of them, and with the faculty of impressing men, which comes from sincerity, warmth, and decision, backed by an earnest piety. It was in what the language of that day called "gifts and grace," rather than in mental power or acquired learning, that he attained a position which, confirmed by great age reached in health and vigor, made him a marked man among his ministerial brethren.

The following is believed to be a complete statement of his modest bibliography:—

1663. The Cause of God and his People in New England as it was Stated and Discussed in a Sermon Preached before the Honorable General Court of the Massachusetts Colony on the 27 day of May, 1663. Being the day of Election at Boston. pp. (4) 24. Cambridge, 1663.

1665. A Direction for a Publick Profession in the Church Assembly after private Examination by the Elders, Which Direction is taken out of the Scripture, and points unto the Faith and Covenant contained in the Scripture. &c. 6 pp. No imprint, but no doubt printed by Samuel Green, Cambridge, 1665.¹

1669. Address (with Rev. Thomas Thacher) to the Reader (2 pp.) prefixed to Morton's New England's Memoriall. Boston, 1669.

1678. "Epistle to the Reader," dated July 20, 1678, prefixed to Rev. Thomas Allen's "Invitation to Thirsty Sinners to come unto their Saviour." 1678.

1686. Our Dying Saviour's Legacy of Peace to his Disciples in a Troublesome World, with a Discourse on the duty of Christians to be witnesses unto Christ, unto which is added some Help to Self Examination (pp. 205), with a prefatory dedication (7 pp.) "To the Church and People of God at Salem, also at Guilford and Say Brook," dated August 6, 1686. Boston, 1686.

1693. Preface to the "Winter Meditations" of Cotton Mather (12 pp.). Boston, 1693.

1698. Epistle Dedicatory to the Earl of Bellomont (8 pp.), prefixed to the Election Sermon of Rev. Nicholas Noyes on New England's Duty and Interest to be an Habitation of Justice and a Mountain of Holiness. Boston, 1698.

1700. One of three Addresses "To the Reader" (9 pp.) prefixed to "The Everlasting Gospel. The Gospel of Justification by the Righteousness of God, As 't is Held and Practic'd in the Churches of New England." By Cotton Mather. Boston, 1700.

¹ See Proc. Mass. Hist. Soc., 2d series, ix. 423.

1700. "An Attestation" with seven other ministers (2 pp.) to "The Young Man's claim unto the Sacrament of the Lord's Supper" by "Rev. Mr. John Quick," and other treatises published with it; one being "A Defence of Evangelical Churches" by Increase and Cotton Mather. Boston, 1700.

1701. (With Rev. William Hubbard). A Testimony to the Order of the Gospel In the Churches of New England (pp. 15). Boston, 1701.

1702. "An Attestation to this Church History of New England" (6 pp.) prefixed to the "Magnalia Christi Americana" of Cotton Mather. London, 1702.

1702. Preface dated "March 23, 1697-8, *æt.* 82," (6 pp.) to Rev. John Hale's "A Modest Enquiry into the Nature of Witchcraft, and How Persons Guilty of the Crime may be convicted, and the means used for their Discovery Discussed, both Negatively and Affirmatively according to Scripture and Experience." Boston, 1702.

Mr. JOHN NOBLE read the following paper: —

A Glance at Suicide as dealt with in the Colony and in the Province of the Massachusetts Bay.

Among the early Court Files of Suffolk is a paper, brought to light the other day, an original warrant issued by Judge Sewall in 1707, for the burial of a self-murderer.

Aside from any interest in the old paper itself as such, it somehow started some questionings, more or less desultory, springing out of it.

The warrant is venerable looking, but well preserved, written out carefully by the judge's own hand, every essential clearly and concisely set out with precision, bearing a seal, probably his own private seal, but with the impression too faint for clear deciphering, and runs as follows: —

MASSACHUSETTS

SUFFOLK SS.

SEAL.

To the Constables of Boston, or any of them —

Whereas Abraham Harris late of Boston white-washer of the Age of Discretion is found this day before Ephraim Savage Gent^t one of Her Majesties Coroners for this County of Suffolk by a Jury of good & Lawfull Men of the said Boston in the County of Suffolke to have feloniously and willfully Murthered himself, by Hanging himself with a Neckcloth — Contrary to the Peace of Our Sovereign Lady the Queen — As a Warning to others to beware of the like damnable

Practices, the said Abraham Harris is denied Christian Burial — being *Felo de se*.

These are therefore in Her Majesties Name to Command you forthwith to Cause the Body of the said Abraham Harris to be buried upon Boston Neck near the High-way, leading to Roxbury over-against the Gallows, and to Cause a Cart-Load of Stones to be laid upon the Grave of the said Harris as a Brand of Infamy — Hereof you are not to fail as you will answer the Contrary at your peril. Given under my Hand & Seal in Boston this Six and Twentieth day of April 1707. Annoque Regni Añæ Reginae Angliæ &c Sexto

SAMUEL SEWALL, J.

At the foot is a subsequent memorandum, addressed to the Treasurer: —

Boston, March 6, 1707/8

SIR, — The sixteen Shillings on the other side was necessarily expended for Her Maj^{ty} Service; and there being no estate, is a proper County Charge, which pray pay to Constable Jonathan Loring, that Officers may not be discouraged in attending y^r Duty.

Sir, your humble Serv^t S. SEWALL. J.

To JEREMIAH DUMER Esq^r Treasu^r of ye County of Suffolke.

On its back is the return of the Constable in the vernacular and in Latin, in combination, with an equal disregard of the niceties of either tongue: —

idem diem wth in mentioned I Jonaⁿ Loring exircuted y^e wth in warrant & have disburst as follows —, Viz,

for cart & carting per m ^r Roberson	“ — 3 — “
for labour done per six men }	“ — 9 — “
att l ^s — 6 per man is	
For money lay'd out in drink	“ — 1 — “
	£ “ — 13 — “

thus per me Jonathan Loring Cons ^{bl} & to w th w th is due	
to me for serving s ^d warrant & tendance upon y ^e busi-	
ness is	“ — 3 — “
summ totall is	£ “ — 16 — “

Endorsed m^r Loring for y^e Sessions in April

1708 26. Allowed 13^s

15 : 9 :	15 . 10 .
15 : 5	15 . 6
16 : 04 : 5	16 . 5 . 6

These last figures appear to be a memorandum unconnected with this case.

Judge Sewall makes no mention of the occurrence in his Diary, and nothing further appears touching the matter except the record in the Court of Sessions of the order for the payment of the constable's bill, after it had been duly considered by the august and well-known magistrates, who sat in that tribunal, with some questionable items eliminated, but apparently the charge of one shilling for drink being held legitimate and legal. The ground on which the approval of the bill is put by the Judge savors a little of worldly policy.

SUFFOLK SS

Anno RR^{ae} Annae nunc Angliae &c Septmo —

At an Adjournment of a Court of General Sessions of the Peace, holden at Boston for and within this County of Suffolk on the last Monday of April being the Twenty Sixth day of the said Month Annoq Domini 1708.

Her Maj^{ties} Justices present are as followeth

Elisha Hutchinson	} Esq ^{rs}	Thomas Brattle	} Esq ^{rs}
John Foster		Paul Dudley	
Penn Townsend		Thomas Palmer	
Jer Dummer		Edward Lyde	
Edw ^d Bromfield		William Clark	

Ordered That Thirteen Shillings be paid out of the County Treasury to Jonathan Loring one of the Constables for the Town of Boston for the year 1707 for his Charge in Burying the Body of Abraham Harris late of Boston White Washer who on the Twentieth day of April 1707 Feloniously and Wilfully Murthered himself; the s^d Loring being Com-manded by a Warrant from M^r Justice Sewall to cause the Body of the said Harris to be buried.¹

It was but an insignificant episode in the life of the old town of Boston. A poor whitewasher had killed himself, the inquest had been held, Mr. Justice Sewall of the high court of last resort had issued his warrant, the ignominious burial had been had, Constable Loring had collected his modest fee, and that was all of it. He slept peacefully in convenient proximity to the gallows, with a cart-load of stones piled upon his grave; spared the English barbarity of the impaling stake and the trampling of feet on busy cross-roads, but under the

¹ Records of the Court of General Sessions of the Peace, beginning July, 1702, ending July, 1712, p. 173.

“brand of infamy” none the less, careless whether posterity applied his own art to his name, or left it to oblivion, to live, as it turned out, only in the lines of an old burial warrant.

But the sight of the old warrant set one to thinking how opinion, practice, and law stood as regards suicide at that time in Massachusetts, as well as to the changes since;—how far the ideas of that early time were native and original, how far borrowed and whence and why;—how far racial characteristics came in, —prevailing theological notions and religious doctrines, — earlier influences of philosophical systems, — considerations of public policy, and local conditions, — and more generally, as to different views of the status of the individual as regards himself, morally, socially, and politically, under different codes and in different peoples.

Such questions naturally come up at once. But time and space, and, above all, patience forbid any attempt here to follow out with any fulness or thoroughness such lines of inquiry; but possibly there may be a chance for a few scattered considerations in certain directions.

The law under which the warrant was issued had been standing near half a century. It was enacted “Att the Second Sessions of the Generall Court, held at Boston, the 16th of Octob^r, 1660,”¹ and it stands thus in the edition of 1672 of the Colonial laws, varying in the two places in minor details of spelling, &c.

SELF-MURDER

This Court considering how far Satan doth prevail upon several persons within this jurisdiction, to make away themselves, judgeth that God calls them to bear testimony against such wicked and unnatural practises, that others may be deterred therefrom; —

Do therefore Order, that from henceforth, if any person Inhabitant or Stranger, shall at any time be found by any Jury to lay violent hands on themselves, or be wilfully guilty of their own Death, every such person shall be denied the priviledge of being Buried in the Common Burying place of Christians, but shall be Buried in some Common High-way where the Selectmen of the Town. where such person did inhabit shall appoint, and a Cart-load of Stones laid upon the Grave as a Brand of Infamy, and as a warning to others to beware of the like Damnable practises. [1660].²

¹ Mass. Col. Records, vol. iv. part i. p. 432.

² The Colonial Laws of Massachusetts, reprinted from the edition of 1672, W. H. Whitmore's ed., p. 137.

This law, like all others that concern the offence, was evidently based upon the English law, and to a certain extent was a re-enactment of it, but it differs from it in several striking points. It looks at the offence from a characteristically different point of view; the underlying ground is different; the offender is regarded more as a man than as a subject; the act of self-murder is treated alike as a crime, but the consequences of it and the punishment are unlike. The law of 1660 has a Puritanic cast; there is a theological flavor about it. It sees, as was so often the case, the hand of Satan, as the prime instigator, behind the deed of the offender; the State is called upon by the Almighty "to bear testimony against such wicked and damnable practices" more prominently than to claim its rights and assert its authority as the Sovereign. This way of holding Satan to account and throwing upon him the direct responsibility for evils, moral, physical, and of so many sorts, seems to have been with our forefathers a leading article in their religious belief and in some of their civil regulations. Perhaps it came by inheritance, and survived or flourished stronger in the transplanting beyond the sea; perhaps it gained new strength in the development of a theocratic government, and in falling back upon its sources of law and religion; perhaps it was fostered by the new surroundings, the precarious situation on the frontier, shut in between the estranging ocean and the gloom of the encompassing forests with their dreaded occupants; perhaps the bareness and austerity of their situation, the severity of their creed, and the grimness of their character all intensified the prevailing superstitions of the times.

It was, moreover, independently and not inconsistently, a convenient method of explaining mysterious phenomena, of taking ground where argument was at disadvantage, and it made a good foundation for needed repressive measures and laws. And it gave withal a sort of dignity and moral authority to their situation, that they had to deal with the powers of darkness, and above all with the all-powerful author of all evil himself.

In the punishment prescribed, or, more strictly speaking, in the consequences affixed to the deed, the law mitigates the revolting barbarity of the English law, and devises ignominies of its own. The offence is alike regarded as "*malum in se*"

and a felony. But the offender is more a sinner than a criminal; he leaves no burden of loss of goods or estate to fall upon his hapless heirs and next of kin, as a consequence of his unlawful act; there is no forfeiture or escheat.

The fundamental idea of the American law now, as then, on this point is the preservation of the civil rights of the individual, — the protection, under the law of the land, of every man's life not only as against the unlawful acts of strangers, but equally as against the unlawful acts of himself.

The ignoring and abandonment of feudal notions, no less elsewhere than here, has been the unvarying policy of Massachusetts. It exacts no forfeiture either of goods or lands in any case, and the principle is as old as the Colony.

In the Body of Liberties, 1641, the 10th article sets forth: — "All our lands and heritages shall be free from all fines and licences upon Alienations, and from all harriotts, wardships, liveries, Primer-seisins, yeare day and wast, Escheats and forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or juditiall"; to which later codes inserted the word "unnatural," and added "and that forever." The principle has been extended to the case of goods and chattels.

The law of 1660, though fallen into disuse, continued in force for more than a century and a half, till its express repeal by the Act of 1824, February 21.¹

By the repeal of the law, however, suicide did not cease to be unlawful and criminal. The crime was not created as such by the law of 1660.

A curious question may come up, though, adverted to in a Massachusetts case, whether it is at the present time technically a felony, since the Statute of 1852, Ch. 37, re-enacted in the General Statutes, ch. 168, and now in the Revised Laws, ch. 215, § 1, which makes "any crime punishable by death or imprisonment in the state prison" "a felony," and enacts that "no other crime shall be so considered," — a question curious rather than important.

There are several cases in the Massachusetts Reports which deal with different phases of the general subject. Bowen's case, 13 Mass. 353, holds one counselling another to the act, who, by reason of that advice and in the presence of the

¹ Laws of Mass., vol. ix., 1822-25, ch. cxliii. p. 403.

adviser, kills himself, to be guilty of murder ; — reaffirmed by a later case in 1862.

While in England an attempt to commit suicide is punishable as a misdemeanor, it is left in Massachusetts without punishment and is not indictable,¹ — a natural result of the peculiar situation here under the statute law as it stands, as there can be no bodily punishment possible for a suicide, seeing the gallows and the prison have no terrors or retribution for a dead man. In *Commonwealth v. Mink*, 123 Mass. 422, in 1877, where one who, in attempting to kill himself, accidentally killed another trying to prevent his act, was held guilty of criminal homicide, Chief Justice Gray, in giving the opinion of the court, incidentally touches upon the subject of self-murder, and with his usual exhaustive thoroughness and wealth of authorities. There is a slight slip in citing the old English law and attributing to it a forfeiture of lands, which curiously escaped his usually absolute accuracy and the scrutiny of his associates.

How the coroner was to deal with a case of suicide, and how the offence stood under the law of the Province at the time this warrant was issued, appears in the Province Laws, 1700-1,² with full details and the prescribed conclusion : “ If it appears to be Selfe-murder, the inquisition must conclude after this manner ; viz., — And so the jurors aforesaid say upon their oaths, that the said A. B. in manner and form aforesaid, then and there voluntarily and feloniously, as a felon, of himselfe did kill and murder himselfe, against the peace of our Sovereign lord the king, his crown and dignity.” Near a century later the State Statute of 1783 substantially re-enacts the old statute, changing the *contra pacem* clause, and shows the law to be still the same.

The Colonists brought with them of course the Common law of England as it then stood, and all those legal ideas and habits which they had been bred up in as Englishmen. But they did not hesitate to modify and adapt these to their situation and new conditions, keeping within the limits imposed, and having also a primal source of law beside in the Word of God as interpreted by themselves.

As regards self-murder a difference in English law in certain

¹ *Commonwealth v. Dennis*, 105 Mass. R. 162.

² Ch. 3, § 6, Goodell's ed., vol. i. p. 429.

respects, in its basis and in its application, has been already adverted to. These differences, in all their essentials, come out sharply in the mere statement and citation of the English law.

Hale's Pleas of the Crown, vol. i. p. 411, defines the crime : —

“ *Felo de se* or suicide is where a man of the age of discretion and *compos mentis*, voluntarily kills himself.”

And the grounds on which it rests as a crime : —

“ No man hath the absolute interest of himself, but

1. God Almighty hath an interest and propriety in him, and therefore self murder is a sin against God.

2. The king hath an interest in him, and therefore the inquisition in case of self murder is *felonice & voluntarie seipsum interfecit & murderavit contra pacem domini regis.*”

And as to the legal consequences : —

“ Touching the forfeiture of *Felo de se*. He doth not forfeit his lands nor his wife's dower. But he doth forfeit his goods and chattels.”

The Encyclopædia of the Laws of England (vol. xii. p. 18) sums up the forfeiture and the prescribed mode of burial : —

“ His goods and chattels, but not his lands, were forfeited to the Crown.”¹

“ The Corpse was, under the coroner's warrant, buried at midnight in a high way, (usually at cross-roads,) with a stake through it, and without Christian rites.”

The practice of such burial fell into disuse in England, as in Massachusetts, long before any legal repeal ; and almost coincident with the repeal of the old Colonial law of Massachusetts, the mode of burial was changed in England, in 1823, by St. 4 Geo. IV. ch. 52 : —

“ It shall not be lawful for any Coroner, or other officer having authority to hold inquests, to issue any warrant or other process directing the interment, . . . in any public highway ; but that coroner or other officer shall give directions for the private interment of the remains of such person, *felo de se*, without any stake being driven through the body of such person, in the Church yard or other burial ground of the parish . . . such interment to be made within twenty four hours from

¹ 3 Co. Inst. 541.

the finding of the inquisition, and to take place between the hours of nine and twelve at night,"

with a proviso not to authorize the performance of any of the rites of Christian burial.

The old forfeitures were abolished in 1870.¹

As to the origin of them, it is said in Pollock and Maitland's "History of English Law," "the practice of exacting a forfeiture of goods in every case in which a sane man put an end to his own life was one that grew up gradually" (vol. ii. p. 488); and Bracton is cited to that effect.

Some have considered the practice to date back to the Danes, and to have been borrowed from them.

In 1882² the mode of burial prescribed in the time of George IV. was changed, allowing the burial to be in cemeteries or churchyards with the usual rites, if the clergyman pleased to perform them.

While the Rubric of the Established Church would seem not to sanction the use of the ordinary Anglican burial service, and this seems to be the case under the St. of 1882, a special service apparently may be employed under St. 43 & 44 Vict. c. 41, § 13.

So English and American law are in respect to suicide alike substantially to-day. Suicide is a crime, but of necessity a crime not punishable upon the offender, and with no forfeiture or punitive consequences visited upon his surviving kinsfolk; with no ignominy to be inflicted by law upon his senseless body; — a crime deprecated, but the criminal left to the charitable or other judgment of his fellows and the world.

It would be too serious, and above all too tedious, a matter to trace out with any fulness an inquiry as to the regard in which the act of self-murder was held among different peoples and in different philosophies, and the bearing, if any, remote or otherwise, on the views of the Massachusetts Bay. There is room only for a hint and an inference, here and there, upon the possible operation of such through early education and previous training.

The Brahmins naturally admired it as honorable on particular occasions, and as a mark of mental weakness to submit to the infirmities of age, with so obvious and ready a remedy at hand. Greek laws regarded it a crime and treated it with

¹ St. 33 and 34 Vict. c. 23, § 1.

² St. 45 and 46 Vict. c. 19.

ignominy. The Athenian laws ordained that the offending hand should be cut off, and burnt apart from the body, which deprived of the usual burial solemnities was to be flung into a pit. It was forbidden by the Theban laws. It was condemned by Pythagoras, Socrates, — who perforce in the end submitted to it, — by Aristotle, Plato, and other Greek philosophers.

In the early days of Rome the act seems to have been rare, barring some noted instances, some of which were heroic ; while it prevailed during the decline of the Empire. It seems always to have been held venial under the law. It was to a certain degree countenanced by public opinion. It was upheld and even put as sometimes a duty by Seneca and Epicuretus and others of that school ; while reprehended by Cicero, and many philosophers, moralists, and eminent men. Under the influence of the Epicurean and Stoic philosophies, with some slight inconsistency, perhaps, in case of the former, it became not unfrequent, and was sometimes commended or extolled by the latter.

It must have been not uncommon among the Scandinavians, and figures in Norse legends.

In philosophies as in peoples, generalizations have been attempted. Different systems have been arrayed as holding different opinions ; and philosophers in all times and everywhere have argued, and moralists have discussed the question of self-slaughter. In the end, however, their conclusions seem to rest upon precisely the same, or at least like foundations, — the difference in result being merely a difference in the stress and weight laid upon certain elements. And again certain inconsistencies between doctrines and determinations in particular cases are easily reconcilable and explainable. While all, almost without question, reach a definite conclusion as to the abstract morality of the act taken in itself, their decision in specific instances seems to depend on the occasion, the exigency, or the motive. The explanation is obvious — there has been a confusion of terms. Self-sacrifice is confounded with self-murder, two matters entirely independent and distinct.

Whatever the judgment on the latter, however apology, palliation, justification, or possibly even commendation may be urged, the abstract act cannot lose its character, — while honor,

patriotism, modesty, self-respect, conscience, heroism, and religion even may in exigencies come in to justify or even to consecrate and glorify the former, — and the world has ratified the judgment.

When the Puritans came to legislate as they seem to have found themselves forced to do, they had no concern as citizens or magistrates in any speculative questions. They had only to deal with the practical matter before them. As God-fearing men they had to bear testimony against certain damnable, wicked, and unnatural practices springing up among them and apparently on the increase; to thwart the machinations of Satan, to keep up the standard of Puritan morality, and preserve the good order and well-being of their community; and hence the law of 1660. They had no need to go back to Plato for the idea of an ignominious burial for the offender; they had precedents nearer at hand.

Ecclesiastical law decreed in the sixth century that no commemoration should be made for such as destroyed themselves, nor their bodies carried out to burial with psalms, nor the usual service read; and this held up to the time of the Reformation.

These principles of the church seem to have been at the bottom of the English law as embodied in the Statutes, and also in the law reproduced here. The Colony found nothing of origin or of suggestion in the Mosaic law, even though it may have believed with Shakespeare that the Everlasting had "fix'd his canon 'gainst self-slaughter."

In modern times racial temperament seems to have led to frequent instances of the act, and again the same cause to have made it rare in some races. Montaigne puts it rather loosely when, in pointing a moral, he attributes to all religions a belief in it at some time in their history: "that other so ancient one, of thinking to gratify the Gods and Nature by self-murder; an opinion once universally received in all religions, and to this day retained in some."

Buckle looks at the matter philosophically, as only a natural and constant phenomenon, not to be prevented by laws, and almost reducible to a fixed ratio: "Suicide is merely the product of the general condition of society; and the individual felon only carries into effect what is a necessary consequence of preceding circumstances. In a given state of

society a certain number of persons must put an end to their own existence."

Statistics have been curiously compiled, in order to explain the phenomenon, or to interpret it, as to the frequency of occurrence in different nations, — in different localities, in different states of the American Union, in different cities therein ; of the percentage in different occupations and professions, at different ages, and in the sexes. But most seem unsafe and of doubtful value. The sources, the methods, the conditions, the accuracy are alike unknown. All depends on how the statistics are taken, and statistics judiciously handled can be made to show anything. So again as to favorite modes of death ; medical explanations of inherent and physical causes ; suggestions of sporadic outbreaks and epidemics ; moral theories of operative influences and conditions.

After all, however, it seems to come back to about where Buckle leaves it, and we cannot get much beyond his conclusion.

There was no intention in this paper to let the sermon run so far away from the text. Perhaps a "plea of confession and avoidance" ought to be put in : first, for the taking of so sombre a subject ; second, for the treatment of it. As to the former, it may be pleaded, that Judge Sewall unwittingly but no less provokingly gave the occasion. As to the latter, that attempted brevity is apt to turn out unmitigated dryness ; and further that, however wide the straying from the original intention, the statement at the outset, that the considerations started by the old manuscript would be more or less desultory, has been fully justified.

Rev. Henry F. Jenks, in behalf of Mr. GRENVILLE H. NORCROSS, who was out of the State, read the following paper : —

At the last meeting the President read an account of a journey to New York made by John Quincy Adams in 1789. In connection with this, the following letter written by Mr. Adams in 1803 while on the way to Washington to take his seat in the Senate of the United States may be interesting. Mr. Adams was elected Senator in February, 1803, to fill the vacancy caused by the death of Jeremiah Mason. The pub-

lished Diary contains no entries from April, 1803, until October 21st, when he took his seat in the Senate.

Frankfort mentioned in the letter must be Frankford, then a suburb of Philadelphia on the northerly side and now included within the city limits.

NEWARK 12. October 1803.
Wednesday.

MY DEAR BROTHER. — We have been detained here since Sunday the 9th inst^t by the severe illness of my wife — We think however to go on this day, as far as Elizabeth-town, and to proceed by easy Stages tomorrow as far as Princeton, and the next day, (God willing) to Frankfort, where we hope to find you — If you can procure for us in that place, or on the other side of the City, towards Baltimore, convenient lodgings in a private house, my wife will be more quiet and have a better prospect of rest than at an open Inn — And I should be glad of an opportunity to stop and give her a good day's rest — But I presume this will not easily be obtained, as the neighbourhood of Philadelphia must doubtless be as much crowded as that of New York — To meet you therefore at Frankfort is all I can flatter myself with — And if you cannot do better, engage us two chambers with two beds in each, at the best public House in Frankfort, for Friday Night.

Your's ever.

J. Q. ADAMS.

T. B ADAMS Esq^r.

(Addressed) Thomas B. Adams Esq^r Philadelphia

I have also another letter written by Mr. Adams thirty-four years later, at the very end of the second session of the twenty-fourth Congress. The speeches referred to in it were made in the course of the famous debate upon the admission of a petition purporting to be signed by slaves.

There is a gap in the Diary during January and February of this year.

LEWIS TAPPAN Esq^r New. York.

H. R. U. S. WASHINGTON 27. Feby 1837

DEAR SIR, — I have received your two Letters and with the former the small pamphlet, forwarded with it — I believe a pamphlet publication of the debates and proceedings of the House of Representatives upon the subject of Petitions relating to Slaves and Slavery, during the present Session of Congress, would be useful — But it is impossible for me to devote the time necessary for the compilation.

The fullest Report of my address to the House on the 9th inst^t in my own defence, which was taken, will be shortly published in the National Advocate published at Boston — But my Speech on Saturday

the 11th upon the substituted Resolutions offered by Mr Ingersoll and Mr Taylor, has not been reported at all — My conduct in the House, was at first dictated by a sense of strict and indispensable duty to my own immediate Constituents, Petitioners to Congress, and who had committed their Petitions to my charge — It was upon these Petitions that the question of reception was twice forced upon the House by the members from the South — It has been made a heavy charge against me, that I persisted in presenting these Petitions, when I knew they were unwelcome to the house. I have not volunteered one hair's breadth beyond the line of my duties in moving any question upon this subject; but having experienced already no small misrepresentations, I have addressed to the Petitioners, and other Inhabitants of my District, two Letters which will be followed by others containing a statement of my own conduct and of the proceedings of the House and published in the Quincy Patriot, a weekly newspaper recently established in the town of my residence. If any portion of these Letters should be thought suitable for republication in the proposed pamphlet it will be at the service of the publishers.

This was the last day assigned for the presentation of Petitions. I had one hundred and eighty one Petitions, Memorials and remonstrances to present — The house by a vote of more than two thirds resolved to supersede the reception of Petitions, and to take up other subjects for consideration

I am very respectfully Dear Sir, your obed^t Serv^t

JOHN QUINCY ADAMS

In the absence of Mr. SOLOMON LINCOLN, Mr. Charles C. Smith communicated the memoir of the late Judge Lincoln F. Brigham, which Mr. Lincoln was appointed to prepare for the Proceedings.

Remarks were also made during the meeting by the PRESIDENT and by Messrs. T. JEFFERSON COOLIDGE, WILLIAM EVERETT, and EDWARD E. HALE.

A new serial of the Proceedings, containing the record of the June and October meetings, was ready for delivery at this meeting.



Eng'd by A. H. Ritchie

Lucius T. Bingham

MEMOIR
OF
LINCOLN FLAGG BRIGHAM, LL.D.
BY SOLOMON LINCOLN.

LINCOLN FLAGG BRIGHAM, the son of Lincoln and Lucy (Forbes) Brigham, was born in Cambridge, Massachusetts, October 4, 1819. He was fitted for college in the public schools and entered Dartmouth College, receiving his first degree in 1842 and that of Master of Arts in 1844. His legal education was begun in the Harvard Law School, from which he received the degree of Bachelor of Laws in 1844, the course of study then occupying but two years. Subsequently he studied in New Bedford in the offices of H. G. O. Colby and of John H. Clifford, afterwards Governor of the Commonwealth. He was admitted to the bar in Bristol County in 1845, and at once became a partner with Mr. Clifford in the firm of Clifford & Brigham, a copartnership name very familiar to Bristol County and indeed to the Commonwealth. This partnership continued until Mr. Clifford was elected Governor in 1853.

Mr. Brigham was soon after appointed District Attorney for the Southeastern District embracing the four southeastern counties of the Commonwealth. This office he held by successive elections until 1859. In that year the Superior Court was established, superseding the Court of Common Pleas and the Superior Court for the County of Suffolk. As originally constituted, the Superior Court consisted of a Chief Justice and nine Associates, and Mr. Brigham was appointed one of the Associate Justices. He remained ten years an Associate, and upon the promotion of the Hon. Seth Ames, then Chief Justice of the Superior Court, to be a Justice of the Supreme Judicial Court, Judge Brigham was appointed in 1869 Chief Justice of the Superior Court. This office he held until

October, 1890. He then resigned it and lived a retired life as a private citizen of Salem, Massachusetts, until his death, which took place at Salem February 27, 1895. He received the degree of Doctor of Laws from Dartmouth in 1884 and from Harvard in 1886. He married at New Bedford, October 20, 1847, Eliza Endicott, daughter of Thomas and Sylvia (Swain) Perry. Mrs. Brigham and four sons survived him.

Chief Justice Brigham was elected a member of this Society in 1885, but was an infrequent attendant at its meetings. It does not appear that he was especially interested in history except the local history of his profession, but he took a generous interest in all things which concern the good citizen, and so added dignity to our rolls. His life, therefore, devoid of special incident, was one of extreme devotion to his profession, exhibited chiefly in his thirty-one years of service upon the bench. His earlier professional life was spent and his legal training obtained in association with a bar which included many leaders of more than local distinction, and which yet had an individual character. In those days the larger cities, and especially Boston, did not attract and withdraw from the rest of the State men of promise and men who had acquired prominence. Coffin and Clifford and Colby, who practised in Bristol and the neighboring counties, are names yet remembered by the profession.

The qualities which Chief Justice Brigham displayed when a practising lawyer were those afterwards familiar to all the Commonwealth when he was judge, and obtained for him immediate and permanent respect. Probably no judge who ever sat upon a Massachusetts bench ever secured to a higher degree the affection of his associates, of the profession, and of suitors in his court. Not claiming to possess conspicuous learning, his legal knowledge was sufficient for the needs of his court, and it was supplemented by admirable common sense and complete knowledge of men. His patience was proverbial, and his courtesy unfailing. His conscientious industry was ceaseless. If additional work was temporarily required of any justice of his court, he was the first to undertake it. All his personal qualities were engaging. His amiable and cheerful demeanor won all hearts. His modesty led him almost to underestimate his own worth. He was twice offered promotion to the Supreme Judicial Court, and on each occa-

sion he declined the honor, believing that he could render better public service in the court to which he was accustomed. He was a man of considerable humor, and loved especially to recall those experiences in the court room which do something to enliven the sober proceedings of our courts.

He easily maintained the dignity of the judge as he sat upon the bench, and no one could safely presume upon any infringement of propriety, notwithstanding his mild bearing. His eye was keen for fraud and dishonest practices, and he visited them with immediate displeasure.

His sense of personal integrity was stern and delicate. A single incident completely illustrates this characteristic. An elderly lady of New Bedford, of whose husband's will he had been an executor, during her long widowhood had continued to look to him for assistance and advice even after he went upon the bench. After her death her will, of which he was executor and which he supposed to be in his possession, could not be found. It disposed of property of more than thirty thousand dollars in value. For nearly three months a continuous search for it was made, — at the bank in Salem, where he supposed he had deposited it; at his house; at his summer home in Mt. Desert; and in all the clerks' offices where he had held court since he received it — but without success. Upon the approach of the time when the will should be presented for probate, and when it was necessary for him to act, he voluntarily announced his determination to have one of the legal heirs appointed administrator to distribute the estate as intestate, and remembering, as he thought, the provisions of the will, to pay the legacies for which it provided out of his own means. Fortunately, a few days before the sitting of the Probate Court, the will was found by accident in the possession of a savings bank where it had been placed for safe keeping by an agent of his to whom he had temporarily entrusted it, — a fact which neither the Judge nor his agent recalled. The payment of the sum required to carry out his determination would have taken a large part of the property he then possessed, and seriously crippled him, but his sense of honor refused to take into account any personal sacrifice.

Judge Brigham's home was in New Bedford until 1859; in Boston from 1859 to 1866; and afterward at Salem until his death.

After his resignation from the bench he lived in comparative retirement, attended by the affectionate remembrance of his associates of the profession. After his death proceedings were had in Suffolk County before the court over which he had so long presided, and the addresses of members of the bar and the response of Chief Justice Mason testify to the singular and universal regard in which he was held.

At least three portraits of Judge Brigham are hung in public places, — one at Hanover, N. H., in the possession of Dartmouth College; one in New Bedford, in the Court House of Bristol County; and one in the room occupied by the Social Law Library in the County Court House in Boston. The latter, painted after a serious illness and under disadvantages, though answering as a memorial, hardly does justice to his gracious presence.